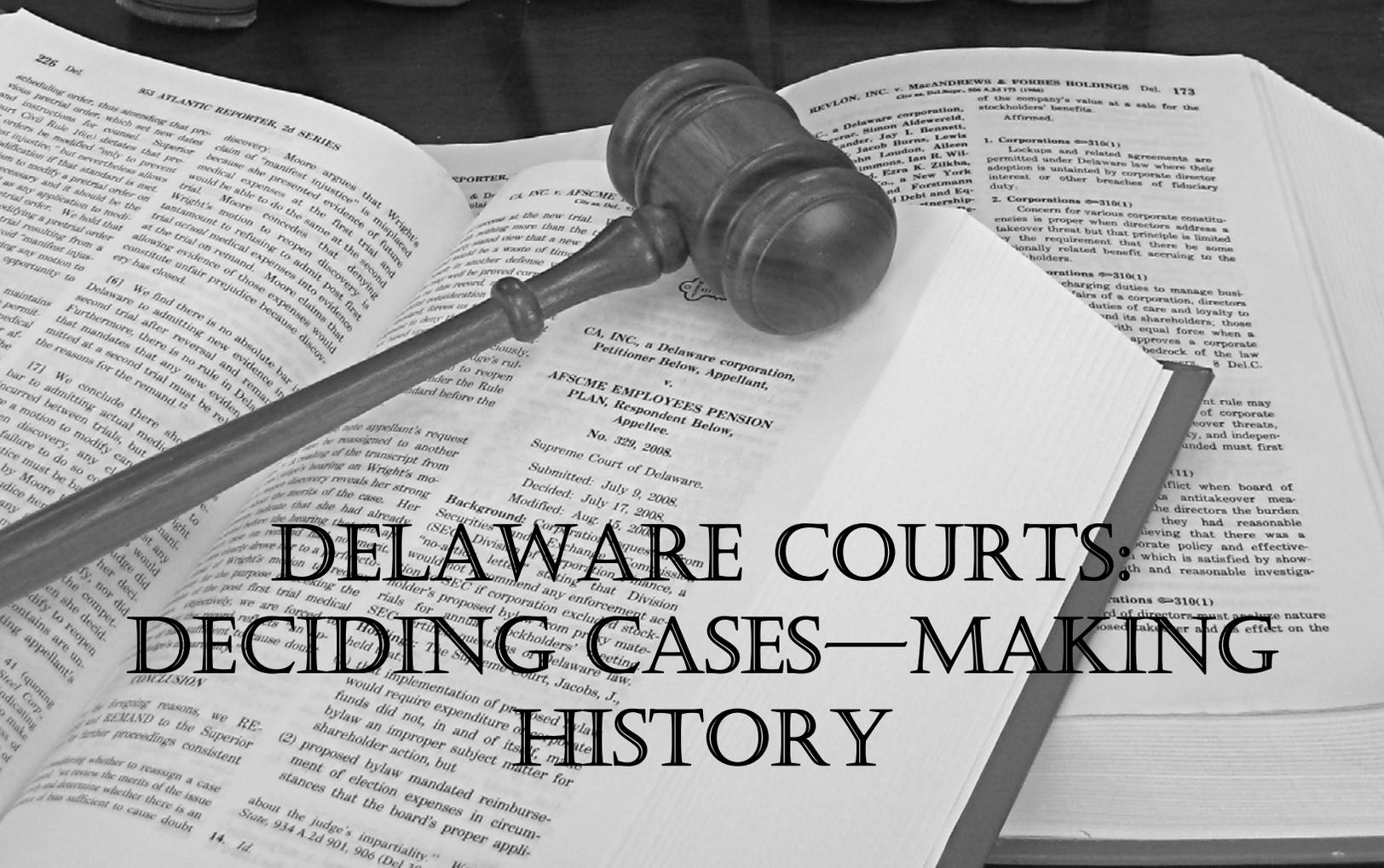


2008 ANNUAL REPORT OF THE DELAWARE JUDICIARY



DELAWARE COURTS: DECIDING CASES—MAKING HISTORY



Due to serious fiscal constraints facing the Judicial Branch of the State of Delaware this year, cost-savings measures have been implemented with regard to the publication of the 2008 Annual Report of the Delaware Judiciary, including the printing of the Report in black and white, and a significant reduction in the number of printed copies of the Report. Copies of the Annual Report, as well as more detailed statistical data, are available online at:

<http://courts.delaware.gov/AOC/Annual Reports/FY08>

Published by:

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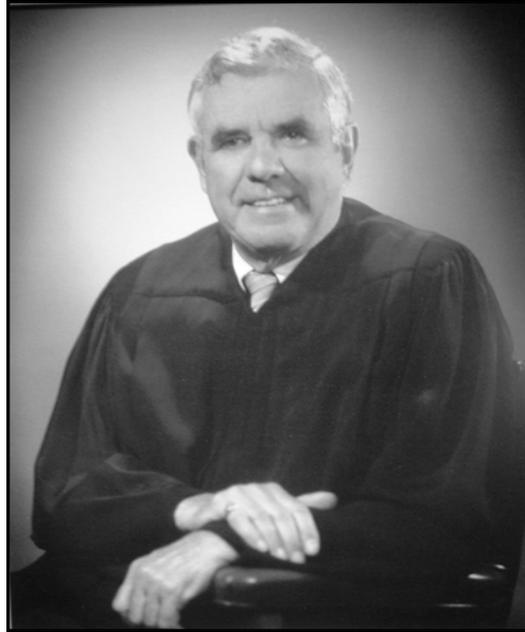
***<http://courts.delaware.gov/AOC/Annual Reports/FY08>
(2008 Annual Report and Statistical Report of the Delaware Judiciary)***

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Hon. Robert D. Thompson, Jr.
Chief Judge of the Family Court
1974-1992

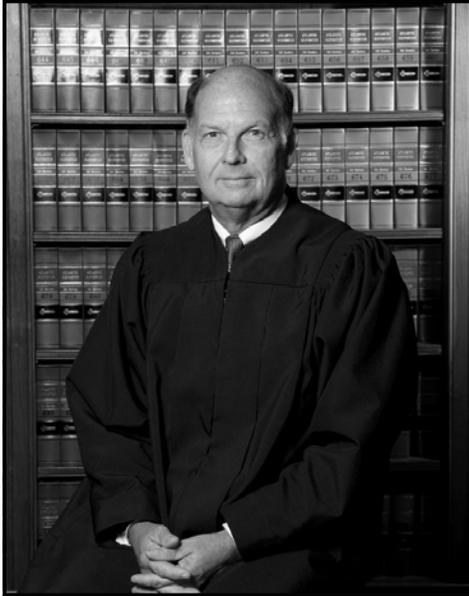
**SEPTEMBER 24, 2008 DEDICATION CEREMONY
RENAMING THE SUSSEX COUNTY FAMILY COURT TO THE
ROBERT D. THOMPSON, JR. FAMILY COURT BUILDING**



Left: Chief Judge Thompson's daughter, Shelley Brocklehurst and her son Eddie Brocklehurst

Right: Chief Judge Thompson's wife, Shirley Thompson; Son, Robert D. Thompson, III and his wife, Susan and their son Dodd

MESSAGE FROM THE CHIEF JUSTICE



HONORABLE MYRON T. STEELE

On behalf of the Delaware Supreme Court, I am pleased to present the 2008 Annual Report of the Judiciary. During the past year, the Judicial Branch focused on many new initiatives and challenges. As this Annual Report of the Judiciary highlights the importance of Delaware case law, I would like to draw attention to a recent case of historic significance -- *CA, Inc. v. AFSCME Employees Pension Plan*. This case marked the first time that the Securities and Exchange Commission (SEC) certified questions of Delaware law to the Delaware Supreme Court under the jurisdiction granted by a recent Delaware Constitutional amendment. The SEC's decision to use the new certification process demonstrates the importance of Delaware corporate law on a national level, as well as the ability of Delaware courts to resolve corporate disputes within an expedited time frame. We are proud of the benefits, including financial, that flow to the State as a result of our preeminence in corporate law. Former SEC Commissioner Paul S. Atkins, in a speech before the U.S. Chamber of Commerce on July 22, 2008, highlighted the *CA, Inc. v. AFSCME Employees Pension Plan* opinion and praised the Delaware Supreme Court for the role it played:

"[T]his year [the SEC] used our new ability to certify questions to the Delaware Supreme Court and it accepted. . . . Perhaps it is only in Delaware that the judicial system can provide a final decision in such a timely manner. . . . This speed shows the seriousness with which the Delaware Supreme Court takes the issue of federalism and its role in guiding the federal government in its application of state law. I salute the court in helping us define our respective roles."

Another important event occurred in May when the Judicial Branch, along with the Delaware Law Related Education Center, sponsored the 2008 National High School Mock Trial Championship which brought over 1,000 participants and observers from throughout the country to the New Castle County Courthouse. Contributions of numerous groups and individuals, including members of each of our courts, who gave generously of their time and money, made the event possible. I would like to thank all of those involved for making the project a resounding success, showcasing Wilmington, and the dedicated legal community, and others, that make Delaware unique.

This year also marked the start of several new Judicial Branch-wide initiatives bringing the Judicial Branch together with others to explore creative ways in which the court system can best serve the needs of all Delaware citizens. In September 2007, the Judicial Branch and the Delaware Criminal Justice Council co-sponsored a two day Summit on Racial and Ethnic Fairness in the Criminal Justice System designed to bring together key decision makers in the criminal justice system, state and local policymakers, and community leaders, to identify and develop a consensus on strategies for improving racial and ethnic fairness, and the perception of fairness in the Delaware criminal justice system. Justice Henry duPont Ridgely of the Supreme Court and Chief Judge Alex J. Smalls of the Court of Common Pleas served as co-chairs for the Summit and are spearheading on-going Judicial Branch-wide follow up efforts. A new committee, Delaware Courts: Fairness for All, established in accordance with Administrative Directive 168, will involve each of the courts in exploring ways that the court system can move to the next level in assisting self-represented civil litigants, and will seek to further the perception of fairness for all civil litigants.

Also, the Delaware Judicial Branch successfully obtained a competitive grant from the Council of State Governments to establish a task force through which the Judicial Branch will work with the Legislative and Executive branches of government and others under Justice Ridgely's leadership, to explore ways to improve the handling of the mentally ill in the criminal justice system. It is anticipated that the task force, which will receive technical assistance from the Council of State Governments and the federal government, will build upon efforts of the successful mental health courts already in existence in the Superior Court, Court of Common Pleas, and Family Court.

In addition to these branch-wide efforts, each of the courts has undertaken new initiatives to continue their ongoing efforts to best serve court system users. During the past year, the Court of Chancery expanded its e-filing initiative to additional case types and both the Superior Court and Court of Common Pleas made sweeping changes to their alternative dispute resolution rules to provide further time savings for litigants. In January 2008, the Family Court provided a new mechanism for holding respondents accountable through the institution of Protection From Abuse (PFA) review hearings which are scheduled when a respondent has not complied with the conditions of an active PFA order. In the Justice of the Peace Court, a new civil court consolidation project in northern New Castle County is expected to provide efficiencies in the handling of civil cases and to allow for the development of a self-help center.

During the past year, the Judicial Branch has worked cooperatively with the other branches of government to address head-on the serious fiscal challenges facing the State. We have limited our expenditures and the filling of vacant positions, enacted cutbacks, and taken all steps possible to manage growing caseloads with diminishing resources. While these efforts have been necessary, we are at a critical juncture where the extent of the cutbacks are impacting the courts' ability to provide core services in a reasonably timely and effective manner. We are grateful that, in developing the State's FY 2009 budget, Governor Minner and the General Assembly recognized the desperate operational need to move forward with additional judicial resources in New Castle County for Superior Court, and the Kent County Courthouse project, which will provide professional, secure facilities for those who use Superior Court, Court of Chancery and Court of Common Pleas in Kent County. Taking advantage of the court security assessment legislation, which was enacted in FY 2007, Delaware Courts began enhancing the security and safety of the public and staff who use the courthouses.

Finally, I would like to thank all of our judicial officers and staff for their ongoing commitment to providing outstanding service to the individual and corporate citizens of Delaware in the face of tremendous obstacles. Working together, we will meet these challenges and continue our tradition of excellence in service to the public.

Preeminence of Delaware Judiciary

"The Judiciary in Delaware continues to play a unique and expanding role of a national and international importance. In the commercial world, major corporations rely on the quality, consistency and speed with which the Delaware Supreme Court, Court of Chancery and Superior Court render decisions that affect corporate governance, stockholders' rights and the business marketplace in the United States and the world. In this capacity of domestic and international leadership, the Delaware Judiciary has been the keystone of corporate law in the last century and is widely recognized as the nation's preeminent forum for the determination of disputes involving the internal affairs of more than 846,000 Delaware corporations and other business entities through which a vast amount of the world's commercial affairs are conducted. . . . The confidence of 61% of the Fortune 500 companies is firmly rooted in the quality of the Delaware Judiciary. Delaware is home to half of all U.S. firms trading in the NYSE and NASDAQ. The growing strength of Delaware's national reputation is evidenced by the fact that, in 2007, more than 90% of initial public offerings in the United States were on behalf of corporations incorporated in Delaware. The reward for the State of Delaware from the Court system is the annual taxes, fees and abandoned property from business entities registered in Delaware paid to the State, as well as the substantial economic activity generated by those in the private sector who represent Delaware business entities. The annual taxes and fees in FY2007 from corporate, LLC, and business entities totaled \$687.8 million. UCC filings added an additional \$13 million. Together, these amounts represent 22% of the State Operating Budget. Abandoned property of business entities registered in Delaware provided \$370 million to the Division of Revenue, representing an additional 11% contribution to the State Operating Budget attributable to Delaware business entities. Additionally, the Delaware Court System makes significant annual contributions in excess of \$24.1 million through filing fees, cost payments and assessments paid by litigants."

Excerpt from Report prepared by the Delaware State Bar Association to the Delaware Compensation Commission, December 2008



HONORABLE
PATRICIA W. GRIFFIN

The Administrative Office of the Courts embarked on a number of exciting new initiatives during the past year. I would like to take this opportunity to highlight some of these as I believe they represent important steps forward in the continuing efforts of the AOC to assist the Judicial Branch in serving the citizens of Delaware. I would also like to recognize the ongoing efforts of all of those who work so diligently in the AOC to provide the behind the scenes support to the Judicial Branch. It is my hope that this report will give the reader a sense of the many ways in which the AOC serves the Judicial Branch and the citizens of Delaware.

Initiatives Assisting the Judicial Branch

Training for excellence

The AOC has developed several new educational opportunities for court staff this year that will help them to better meet the demands of their jobs. A partnership created this year with the Michigan State University Judicial Administration Program will enable Delaware court staff to use Michigan State distance learning courses to obtain a certificate in court management. Red Cross certification classes for bailiffs and security staff have enabled them to respond more effectively to crisis health situations and new classes in Excel, Word, and Outlook are enabling court employees to improve their computer skills. The AOC has also developed an orientation manual for new judges specific to AOC/administrative operations.

Ensuring quality court interpreter services

Final Rules for the Court Interpreter Program designed to ensure the quality and integrity of court interpreters in the Delaware courts were adopted by the Delaware Supreme Court this year. Efforts to increase the pool of qualified interpreters have continued and, for the first time this year, the AOC sponsored a two day training session on simultaneous interpretation, an area of need identified from previous testing. In addition, a telephonic interpreting program was initiated through which Delaware certified interpreters can be reached by phone to provide services in certain court proceedings. This new program offers effective service, while reducing costs. Information on the use of interpreters was enhanced through a new intranet site for court use, the development and distribution of bench cards for judicial officers on best practices in using court interpreters, and similar information targeted to attorneys.

Assisting self-represented litigants

A new initiative, Delaware Courts: Fairness for All, was established by Supreme Court Administrative Directive 168 in June 2008. The initiative will build upon existing efforts by exploring additional ways in which the Judicial Branch can assist self-represented litigants in civil cases, as well as help to ensure fairness, and the perception of fairness, for civil litigants.

Updating Judicial Personnel Rules

This year, AOC staff prepared a draft of revised Judicial Branch Personnel Rules to better address current human resources needs. The proposed Rules will also more closely dovetail with the revised Merit Personnel Rules. It is anticipated that a final version of the Judicial Branch Personnel Rules will be adopted during the coming year.

Planning for Continuity of Operations

All of the courts and the AOC have completed assessments of business operational needs which will assist in determining priorities among court services during recovery operations. The assessments are part of a state-wide effort coordinated through the Department of Technology and Information.

Reaching out to the public

New initiatives undertaken this year have served to expand public information about the court system. The National High School Mock Trial Championships, which were sponsored by the Delaware Supreme Court and the Delaware Law Related Education Center, were held in the New Castle County Courthouse in May. The mock trials provided an educational experience for forty-two teams from throughout the country, as well as Guam, South Korea and the Northern Mariana Islands. Staff of the AOC, along with judges, attorneys, court staff, police agencies, and members of the public devoted countless hours to making this project an outstanding success.

In addition, public outreach efforts were expanded with the development of a new Judicial Branch public information brochure, and a new educational/ community outreach section of the Judicial Branch website to provide general information on the court system for the public, including material targeted to children and teachers. Other efforts included a teacher externship program held at the New Castle County Courthouse in June, assisting with the Miracle on 34th Street productions in each county in December, and supporting the Racial and Ethnic Fairness Committee by planning staff training programs and a youth forum, both to be held in early FY 2009.

Improving the handling of the mentally ill in the criminal justice system

AOC staff, working with the mental health courts and others in the criminal justice and mental health communities, prepared an application which led to Delaware's selection to participate in the Chief Justice-Led Criminal Justice/Mental Health Task Force initiative of the Council of State Governments. As the result of its selection, the Supreme Court will receive funding and technical assistance to create and lead an intergovernmental task force to study ways to improve the handling of the mentally ill in the court system.

Measuring progress

AOC staff began work this year on assisting the courts with COTS performance measures. A study of the reliability and integrity of court files (a court performance measurement nationally established by the National Center for State Courts), was undertaken by AOC staff and the Court of Common Pleas to establish a baseline measurement prior to the implementation of COTS. Additional performance measures are being explored with several courts.

Partnering with others to promote new ideas

This year the AOC hosted the Mid-Atlantic Region Conference of State Court Administrators, which included representatives from Maryland, New Jersey, New York, Pennsylvania, West Virginia, and Delaware at a meeting to discuss ways to foster procedural fairness, and the perception of procedural fairness, in the court system. In addition, AOC staff participated in planning the statewide Partners for Progress initiative which promotes personal and professional development for State employees.

Increasing offender collections

During the past year, the Office of State Court Collections Enforcement developed partnerships with other State entities and re-engineered collections practices and procedures to increase the amount of past due probation supervision fees collected from criminal justice offenders by 71% - from \$429,560 in FY 2007 to \$735,532 in FY 2008. Correspondingly, the number of offenders from whom supervision fees were collected increased from 7100 in FY 2007 to 8900 in FY 2008.

Providing technology management and support

The COTS case management initiative continued to be the major focus for the Judicial Information Center, including phase 3 implementation in Superior Court and the Court of Common Pleas (Sussex County), and implementation of the enhanced e-filing system in the Justice of the Peace Court and the Court of Common Pleas. Work also continued on supporting and enhancing current technology, as well as on new projects, such as designing and implementing a web site for the National High School Mock Trial, making revisions to the Judicial Branch Intranet site, providing updates relating to Family Court's Court Improvement Project, creating a new website for the Court Appointed Special Advocate (CASA) program, and adding the new security assessment to existing case management systems.

Continuing Support of Judicial Branch Agencies

During the past year, the AOC continued to provide administrative support to Judicial Branch agencies. AOC staff assisted agencies with a variety of human resources needs, such as helping with the hiring process through posting of positions, screening of applicants, participating in selection interviews, and providing guidance regarding specific disciplinary and leave issues. In addition, the AOC provided accounting and budgeting support, including preparing and processing documents, paying vendors, familiarizing agency staff with State budget requirements, and providing ad hoc budget and accounting reports, as needed, to assist agencies in the budgeting process. The following agencies are included in the Judicial Branch and receive administrative support through the AOC: Child Death, Near Death and Stillbirth Commission, Child Placement Review Board, Law Libraries, Nursing Home Residents Quality Assurance Commission, Office of the Child Advocate, Office of the Public Guardian, and Violent Crimes Compensation Review Board.

AUTHORIZATION AND FUNCTIONS

The Administrative Office of the Courts was established in 1971 pursuant to 10 *Del.C.* § 128. The function of the Office is to assist the Chief Justice in carrying out the responsibilities as administrative head of the Delaware courts.

The AOC provides a wide variety of support services to the courts ranging from assisting in policy development to technology assistance to providing day-to-day support services. Among its ongoing services are:

- Preparation of the Judicial Branch Budget in conjunction with the individual courts and agencies and coordination with the Budget Office
- Support services for the New Castle County Courthouse including operating the information desk, the filing and payment center, and the mailroom
- Coordination services for the New Castle County Courthouse including staffing the Courthouse Operations Policy Committee and the Security Operations Committee, as well as coordinating with Facilities Management and Capitol Police
- Judicial Education and staff training
- Court Interpreter coordination to provide interpreters in various languages as well as for hearing impaired persons
- Self-represented litigant assistance including working with Family Court to operate the New Castle County Courthouse Self-Help Center, the *pro bono* legal assistance program, and related assistance
- Public Information including preparation of the Annual Report of the Judiciary, the Delaware Docket Newsletter, and press releases
- Research and Statistics including compilation and analysis of data for the Annual Report
- Staff support to various Judicial Branch Committees
- Legislative Coordination as part of the Judicial Branch's Legislative Team
- Personnel and accounting support for the Supreme Court, Arms of the Court, and Judicial Branch Agencies
- Coordination of technology-related projects including the COTS integrated case management program
- Operation of Helpdesk for technology problems experienced by court users
- Website assistance for developing and maintaining websites
- Business analysis, program development, and data integration/administration for technology-related initiatives
- Statewide collections of certain court-ordered financial assessments

FY 2008 AOC Statistical Snapshot: How Many?

Dollars OSCCE collected in amounts due to court and agencies:

\$3,797,404

Visitors obtained information from the New Castle County Courthouse (NCCCH) Information/Front Desk:

257,020 visitors

Visitors obtained information from the NCCCH Self-Help Center and limited pro bono legal assistance program:

15,495 persons received assistance in the Self-Help Center
202 persons received assistance through the limited *pro bono* legal assistance program

Number of court appearances for which interpreters were provided:

10,053 court appearances

Requests to address problems did the JIC Helpdesk receive and address:

8,761 calls were received and addressed.



Sharelle Lemons, NCCCH mail room staff, delivering mail



NCCCH Filing and Payment Center

AOC'S FACILITY SERVICES AT WORK



Terry Morgan providing services at the NCCCH Self Help Center



Dave Brezenski at the NCCCH Information Desk providing directions

"[I]nequitable action does not become permissible simply because it is legally possible."

Schnell v. Chris Craft, 285 A. 2d 437, 439 (Del. 1971)

Delaware courts are looked to throughout the nation and world as experts in business and corporate law. The decisions of the Delaware Supreme Court and Court of Chancery, in particular, provide guidance to countless corporations and other business entities. But, it is not only in business decisions that the Delaware courts have made historic decisions of great impact. Our courts also addressed critical issues that affect the lives of individual citizens on a daily basis, and have taken the lead in a variety of areas. In this Annual Report, we celebrate the many historical decisions of Delaware courts in a variety of areas, and those of the Delaware Supreme Court, as the court of last resort, in particular.

CONSTITUTIONAL CASES

School desegregation - Belton v. Gebhart, 87 A. 2d 862 (Del. Ch. 1952) aff'd 91 A. 2d 137 (Del. 1952). In this historic case, the Chancellor ordered, and the Delaware Supreme Court affirmed, the desegregation of two Delaware schools. *Belton v. Gebhart* was one of four cases that was appealed to the United States Supreme Court in *Brown v. Board of Education, 349 U.S. 294 (1955)*, which ruled that *de jure* segregation violated the Equal Protection Clause of the Fourteenth Amendment. Notably, *Belton* was the only one of the four *Brown* cases in which the State Court had ordered schools desegregated.

Freedom of speech - Doe v. Cahill, 884 A. 2d 451 (Del. 2005). This case involved allegedly defamatory statements about a city councilman contained in an anonymous post on an internet blog. When the councilman sought discovery to learn the identity of the blogger, the blogger sought a protective order and appealed to the Delaware Supreme Court when the protective order was denied. Expressing concern that many defamation suits were brought merely to unmask the identity of anonymous critics and that this might chill First Amendment rights, the Court adopted a strict, "summary judgment" standard that a defamation plaintiff must satisfy to obtain the identity of an anonymous defendant.

Random traffic stops - State v. Prouse, 382 A. 2d 1359 (Del 1978) aff'd 440 U.S. 648 (U.S. 1979). In *Prouse*, the Delaware Supreme Court held that a random stop (roadblock type stops were not at issue) of a motorist violates the Fourth and Fourteenth Amendments of the United States Constitution. For a stop to be valid, the Court held there must be specific articulable facts indicating a reasonable suspicion that a violation of the law has occurred. On appeal, the United States Supreme Court affirmed the holding of the Delaware Supreme Court.

BUSINESS CASES

Delaware has long been the premier forum for the resolution of business cases. The Delaware Supreme Court, Court of Chancery, and Superior Court each play a vital role in making the Delaware courts renowned for their expertise in resolving business disputes.

"Corporate lawyers across the United States have praised the expertise of the Court of Chancery, noting that since the turn of the century, it has handed down thousands of opinions interpreting virtually every provision of Delaware's corporate law statute...."

Former Chief of the United States Supreme Court William Rehnquist on the occasion of the 200th anniversary of the Court of Chancery, 1992.

Corporate Litigation

Both the Court of Chancery and the Delaware Supreme Court are world-renowned for their decisions in matters of corporate governance. While the majority of Chancery's corporate decisions are not appealed, many of the most important and best known corporate opinions have been those which have been appealed to and decided by the Delaware Supreme Court. A sampling of the many historic opinions and their holdings that are a part of the Delaware corporate law are listed below.

A Small Sampling of Historic Delaware Corporate Law Opinions

- 1952** *Sterling v. Mayflower Hotel Corp.*, 93 A. 2d 107 (Del. 1952) – where directors stand on both sides of a transaction, they bear the burden of establishing the entire fairness of the transaction to the minority stockholders.
- 1983** *Weinberger v. UOP, Inc.*, 457 A. 2d 701 (Del. 1983) – fairness in the context of a cash-out merger includes both fair price and fair dealing.
- 1986** *Revlon v. MacAndrews and Forbes Holdings, Inc.*, 506 A. 2d 173 (Del. 1986) – when the sale of a company becomes inevitable, the board of directors has the duty to maximize the company's value for the stockholders' benefit.
- 1994** *Paramount Communications, Inc. v. QVC Network, Inc.*, 637 A. 2d 34 (Del. 1994) – corporation has a duty to produce the best value reasonably available when there is a pending sale of control regardless of whether or not there is to be a break-up of the corporation.
- 2006** *Stone v. Ritter*, 911 A. 2d 362 (Del. 2006) – adopted the standards for director oversight liability set forth by the Court of Chancery in *Caremark Intern. Derivative Litig.*, 698 A. 2d 959 (Del. Ch. 1997) and found that corporate directors' obligation to act in good faith does not establish an independent fiduciary duty that stands on the same footing as the duties of care and loyalty.
- 2008** *CA Inc. v. AFSCME Employees Pension Plan*, 953 A. 2d 227, (Del. 2008) – opinion of the Delaware Supreme Court on the first issue certified to it by the SEC pursuant to jurisdiction granted by a recent amendment to the Delaware constitution.

Litigation in the Superior Court

The Superior Court handles a variety of business litigation and is especially known for complex litigation and mass tort claims, including insurance and asbestos cases. The jurisdictional foundation for the Court's handling of these cases was established in the case of *North American Philips Corp. v. Aetna Cas. And Sur. Co.*, 1988 WL 160847 (Del. Super.). *North American Philips* involved insurance claims relating to alleged environmental contamination at 31 sites throughout the country. Finding that having one forum for suing all of the defendants would avoid piecemeal litigation and promote judicial economy, the Superior Court held that Philips' incorporation in Delaware and the fact that all of the defendants conducted business in the State was sufficient to justify maintaining the case in Delaware. This decision paved the way for the Superior Court's current role in handling such litigation.

FAMILY LAW

Child Support – Dalton v. Clanton, 559 A. 2d 1197 (Del. 1989). In this case, the Delaware Supreme Court approved the use of the Family Court's Melson Child Support Formula, which as a rebuttable presumption establishing parents' child support payments, was consistent with that Court's statutory obligation to make uniform court rules.

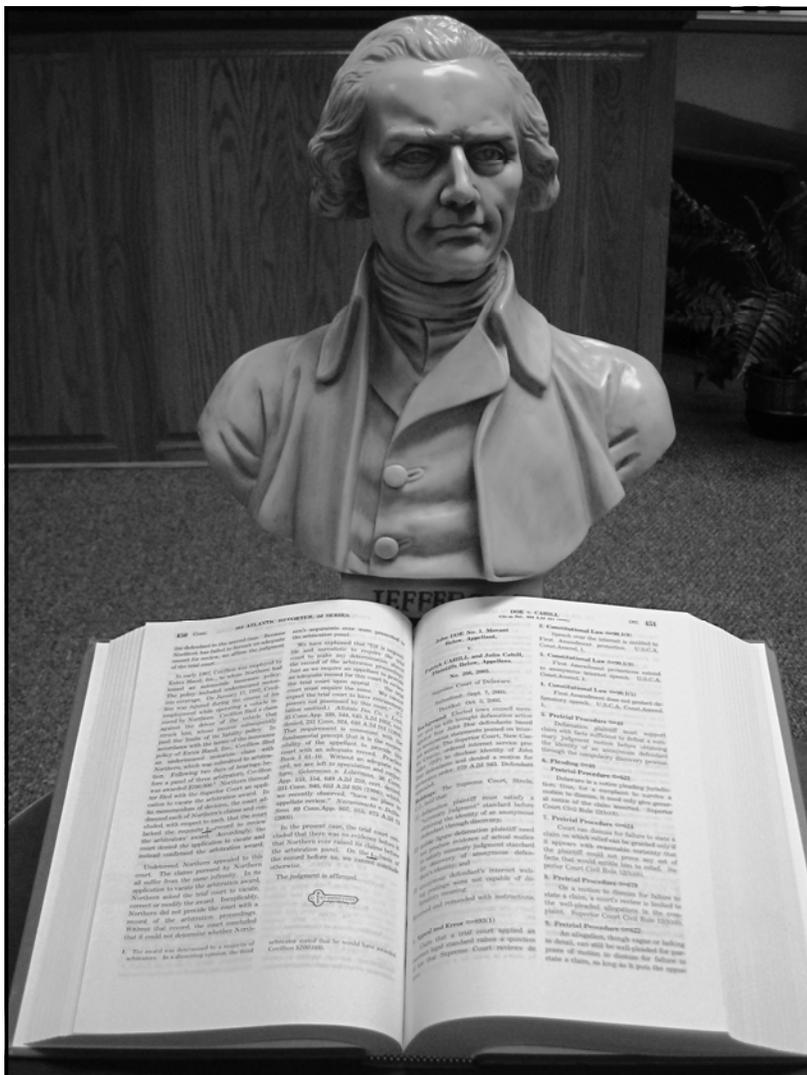
Right to Counsel in Termination of Parental Rights – Watson v. Division of Family Services, 813 A. 2d 1101 (Del. 2002) and *Walker v. Walker*, 892 A. 2d 1053 (Del. 2006). In *Watson*, the Delaware Supreme Court held that the United States and Delaware Constitutions required the Family Court to determine, on a case by case basis, whether indigent parents have a right to be represented by counsel in a dependency and neglect proceeding initiated by the State. In *Walker*, the Court extended its holding in *Watson* to include termination proceedings initiated by a private individual, rather than the State.

CRIMINAL LAW

Exclusionary Rule – Dorsey v. State, 761 A. 2d 807 (Del. 2000) – The Supreme Court held that the Delaware exclusionary rule is not subject to a good faith exception with regard to evidence seized under a search warrant that was issued without probable cause.

Validity of Sex Offender Notification – Helman v. State, 784 A.2d 1058 (Del. 2001) – In this case the Court found that the community notification provisions of Delaware’s sex offender statute did not violate the Federal or State Constitution either generally or as applied to juveniles.

Threats – Andrews v. State, 930 A. 2d 846 (Del. 2007) – In a matter of first impression, the Supreme Court held that Delaware’s terroristic threatening statute applies only to speech made with the subjective intent to threaten and that such speech constitutes a “true threat” not protected by the First Amendment.



LEGISLATIVE HIGHLIGHTS

The Judiciary's legislative team brings together representatives of the courts and the Administrative Office of the Courts to enhance the effectiveness of the Judicial Branch's relationship with the General Assembly by serving as the main Judicial Branch contact for legislative matters and by monitoring and analyzing legislation for impact on the Judiciary. The following legislation affecting the Judicial Branch was passed during FY 2008 by the 144th session of the General Assembly.

Bill Number	Description
SB 216	Provides for the establishment of boundaries defining the territorial jurisdiction of Justice of the Peace civil courts in summary possession cases
SB 217 as amended by Senate Amendment No. 1	Amends verification requirements for service of process in the Justice of the Peace Court
SB 218	Enhances the means by which a Justice of the Peace Constable may conduct a sale of goods that have been levied upon in execution of a chattel judgment
SB 219	Sets the Justice of the Peace Court costs for electronic filing
SB 221 as amended by Senate Amendment No. 1	Requires the holder of a motor vehicle related judgment which is unsatisfied after 60 days to file a motion requesting a certified copy of the judgment be sent to the Secretary of Transportation
SB 237	Adds unlawfully passing a school bus to the list of offenses not eligible for voluntary assessment
SB 242	First leg of Constitutional Amendment making the Chief Magistrate a State Judge under Article IV of the Delaware Constitution
SB 260	Increases the time period for filing an appeal of a Family Court Commissioner's final order to a judge from 10 to 30 days
SB 289	Honors the late former Chief Judge Robert D. Thompson, Jr. by naming the Sussex County Family Courthouse after him
HB 299 as amended by House amendments Nos. 2 & 3	Establishes the qualifications and procedures for licensing of professional bail agents
HB 413	Provides for consistent treatment of conditional sales agreements involving residential real estate
HB 496	Revises procedures for expungements of records relating to misdemeanor charges

COTS HIGHLIGHTS



Debbie Mowbray, Clerk of Court, signing onto *Contexte* on the first day of implementation in the Court of Common Pleas in New Castle County.

Phase 3 of COTS, which was implemented in June of 2008, brought *Contexte* to civil case processing in the Superior Court and the Court of Common Pleas (CCP) in Sussex County.

Phase 4 began with the incremental implementation of *Contexte* and e-filing in CCP in New Castle and Kent Counties in November 2008. Carole Kirshner, CCP Court Administrator and COTS Executive Steering Committee Chair, stated: "CCP staff are adjusting well and we appreciate the benefits that e-filing and access to management reports have brought CCP's operations." Phase 4 implementation will be completed with the scheduled implementation of *Contexte* in Superior Court in Kent and New Castle Counties in early FY 2010.

FISCAL OVERVIEW



FISCAL OVERVIEW

SUMMARY OF JUDICIAL BUDGETS-FISCAL YEARS 2007-2009			
GENERAL FUNDS - State Judicial Agencies and Bodies			
	FY 2007	FY 2008	FY 2009
	Enacted Budget	Enacted Budget	Enacted Budget
Supreme Court	\$ 3,014,200	\$ 3,195,000	\$ 3,219,500
Court of Chancery	2,888,800	3,074,500	3,105,100
Superior Court	20,351,500	21,605,100	22,202,600
Family Court	18,044,300	19,393,200	19,619,900
Court of Common Pleas	8,412,300	9,035,000	9,260,400
Justice of the Peace Court	16,036,800	17,182,500	17,261,300
Administrative Office of the Courts (AOC)	3,418,200	3,672,200	3,742,700
AOC Custodial Pass Through Funds*	4,904,800	4,940,000	4,940,000
Office of State Court Collections Enforcement	523,700	559,400	560,500
Judicial Information Center	3,353,700	3,545,200	3,585,700
Law Libraries	477,500	488,500	491,100
Office of the Public Guardian	460,800	494,900	501,700
Child Placement Review Board	493,600	520,800	526,600
Educational Surrogate Parent Program**	79,600	101,000	-
Office of the Child Advocate	662,900	842,600	876,500
Child Death, Near Death & Stillbirth Commission	382,400	402,500	418,600
DE Nursing Home Residents Quality Assurance Commission	55,900	55,900	56,700
TOTAL	\$ 83,561,000	\$ 89,108,300	\$ 90,368,900

* These programs are included in AOC funding but are shown separately because they are pass-through funds. They include the Court Appointed Attorney Programs, Interpreters, Victim Offender Mediation Program, Elder Law Program, and COTS.

** Educational Surrogate Parent Program was transferred to the Department of Education effective July 1, 2008.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE* - FISCAL YEAR 2008						
Submitted to the State General Fund						
	Fees & Costs	Fines	Interest	Miscellaneous	Total	
Supreme Court	\$ 74,700	\$ -	\$ -	\$ -	\$ 74,700	
Court of Chancery	6,800	-	248,900	-	255,700	
Superior Court	3,255,000	391,100	119,600	536,900	4,302,600	
Family Court	626,700	56,400	-	8,000	691,100	
Court of Common Pleas	2,625,900	1,047,500	-	96,900	3,770,300	
Justice of the Peace Court	3,186,700	1,615,500	-	14,400	4,816,600	
Office of State Court Collections Enforcement (OSCCE)**	12,400	9,200	-	-	21,600	
OSCCE - DOC Fees***	721,500	-	-	-	721,500	
State Total	\$ 10,509,700	\$ 3,119,700	\$ 368,500	\$ 656,200	\$ 14,654,100	
Submitted to Counties and Municipalities						
	Fees & Costs	Fines	Interest	Miscellaneous	Total	
Superior Court	\$ 32,200	\$ 50,800	\$ -	\$ -	\$ 83,000	
Court of Common Pleas	4,000	832,700	-	-	836,700	
Justice of the Peace Court	-	3,305,200	-	-	3,305,200	
Counties and Municipalities Total	\$ 36,200	\$ 4,188,700	\$ -	\$ -	\$ 4,224,900	
GRAND TOTAL	\$ 10,545,900	\$ 7,308,400	\$ 368,500	\$ 656,200	\$ 18,879,000	

* Figures represent only revenue actually received, not the total amount of fines and costs assessed.

** The figures shown for the Office of State Court Collections Enforcement (OSCCE) in this row reflect fees, costs and fines for cases that have been closed by Family Court. OSCCE also collects fees, costs and fines for current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of Superior Court and the Justice of the Peace Court are included in the figures for these courts. See also the OSCCE table on page 14 for amounts collected by OSCCE for each court.

*** OSCCE collected supervision fees on behalf of the Department of Correction (DOC).

Source: Administrative Office of the Courts

COURT GENERATED REVENUE - FISCAL YEAR 2008

Received by Violent Crimes Compensation Board*

	Total
Court Fines	\$ 2,472,800
Restitution	111,200
Subrogation	75,800
Interest	28,800
Other	22,500
VCCB TOTAL	\$ 2,711,100

RESTITUTION - FISCAL YEAR 2008

	Assessed	Collected	Disbursed
Superior Court	\$ 12,429,300	\$ 2,411,200	\$ 2,283,100
Family Court	102,200	275,900	265,700
Court of Common Pleas	394,500	520,100	513,100
Justice of the Peace Court	60,700	68,000	53,600
Office of State Court Collections Enforcement**	-	46,100	34,500
TOTAL	\$ 12,986,700	\$ 3,321,300	\$ 3,150,000

COLLECTIONS BY THE OFFICE OF STATE COURT COLLECTIONS ENFORCEMENT

On behalf of Courts and Agencies***

	Total
Superior Court	\$ 2,930,000
Family Court	63,600
Justice of the Peace Court	82,200
Department of Correction	721,500
OSCCE - TOTAL COLLECTIONS	\$ 3,797,300

* A breakdown of revenue by courts for FY 2008 was not available.

** The figures shown in this table for the Office of State Court Collections Enforcement (OSCCE) reflect only restitution for cases that have been closed by Family Court. OSCCE also collects restitution on current cases for Superior Court and the Justice of the Peace Court. Amounts collected by OSCCE on behalf of these courts are included in the restitution figures for those courts.

*** In FY 2008, OSCCE collections included amounts submitted to the general fund, amounts submitted to non-general fund recipients, and restitution. Amounts collected by OSCCE on behalf of all courts, except Family Court, are also included in general fund and restitution figures for those courts.

Source: Administrative Office of the Courts

FISCAL OVERVIEW

JUDICIAL APPROPRIATIONS - FISCAL YEAR 2008		
	Total	As a %
Supreme Court	\$ 3,195,000	3.59%
Court of Chancery	3,074,500	3.45%
Superior Court	21,605,100	24.25%
Family Court	19,393,200	21.76%
Court of Common Pleas	9,035,000	10.14%
Justice of the Peace Court	17,182,500	19.28%
Administrative Office of the Courts (AOC)	3,672,200	4.12%
AOC Pass Through Funds	4,940,000	5.54%
Office of State Court Collections Enforcement	559,400	0.63%
Judicial Information Center	3,545,200	3.98%
Law Libraries	488,500	0.55%
Other*	2,417,700	2.71%
TOTAL	\$ 89,108,300	100%

* Other: Office of the Public Guardian, Child Placement Review Board, Office of the Child Advocate, Child Death, Near Death & Stillbirth Commission, and Delaware Nursing Home Residents Quality Assurance Commission.

GENERAL FUND APPROPRIATIONS - FISCAL YEAR 2008		
	Total	As a %
Public Education	\$ 1,112,961,700	33.87%
Health and Social Services	907,139,400	27.61%
Correction	253,169,200	7.71%
Higher Education	241,714,400	7.36%
Children, Youth & Their Families	130,725,800	3.98%
Safety & Homeland Security	121,325,800	3.69%
Judicial	89,108,300	2.71%
All Other	429,438,900	13.07%
TOTAL	\$ 3,285,583,500	100%

Source: Administrative Office of the Courts

THE DELAWARE COURTS



INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judicial Branch consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court and related judicial agencies.

In terms of interrelationships among the courts, the Delaware Court system is similar to a pyramid. The Justice of the Peace Court represents the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and, thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings in resources used to handle the matters and in speedier resolution of the issues at hand.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed \$15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the justices of the peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed \$50,000. In criminal cases, the Court of Common Pleas has jurisdiction over all misdemeanors in the State except certain drug-related offenses. It also handles motor vehicle offenses (excluding those that are felonies). In addition, the Court is responsible for preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has exclusive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all



drug offenses. In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate, as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

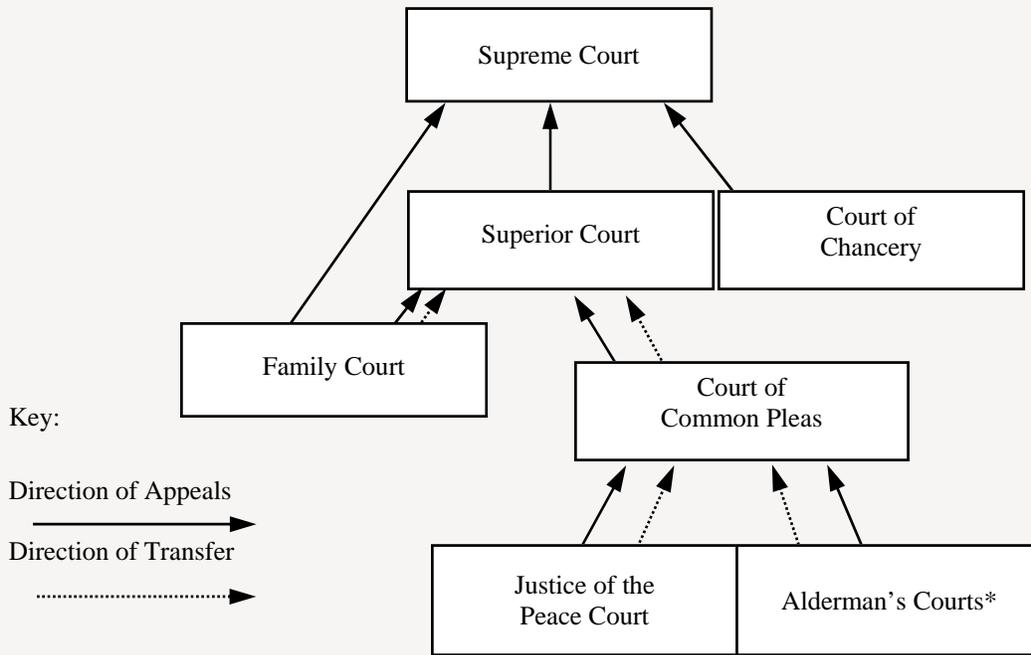
The Supreme Court receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support operations established by the Supreme Court.

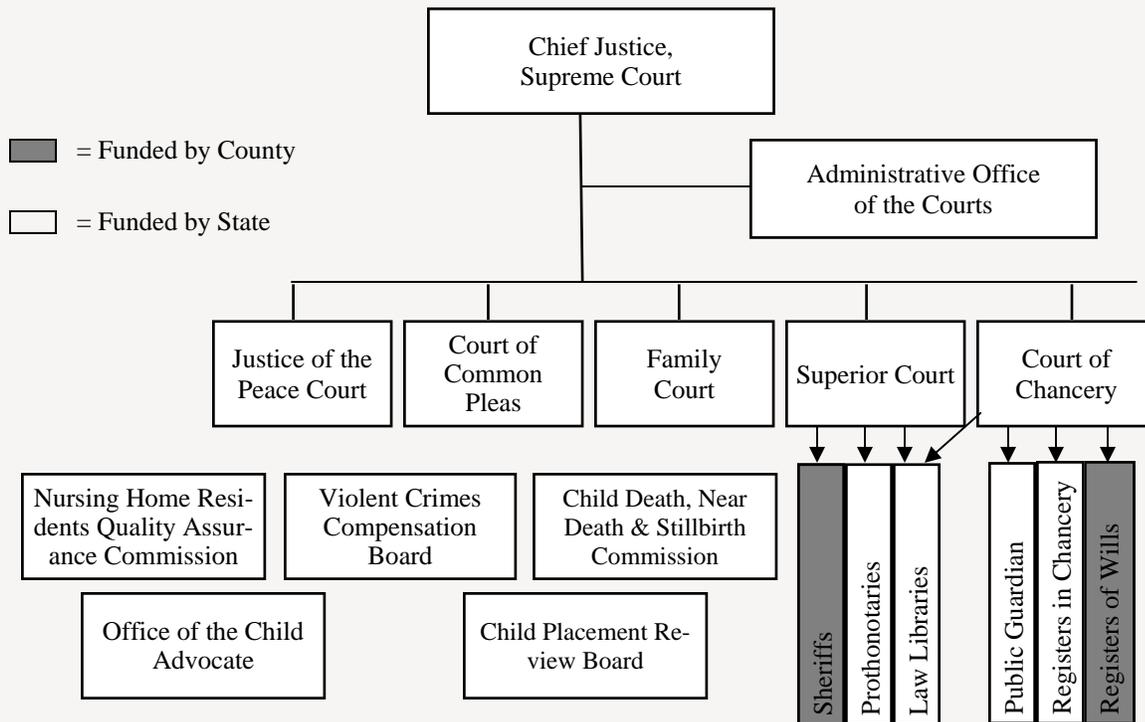
Other agencies associated with the Delaware Judicial Branch include these state agencies: Violent Crimes Compensation Board, Child Placement Review Board, Law Libraries, Office of the Public Guardian, Office of the Child Advocate, Child Death, Near Death and Stillbirth Commission, and the Nursing Home Residents Quality Assurance Commission.

OVERVIEW OF THE COURTS

APPEALS & TRANSFERS



ADMINISTRATIVE AUTHORITY AND FUNDING



*Alderman's Courts are not part of the Delaware court system. They are independent entities within their respective Municipalities. However, cases may be transferred or appealed to a State court.

THE DELAWARE COURT SYSTEM

COURT OF LAST RESORT

SUPREME COURT

Final appellate jurisdiction for criminal cases in which the sentence exceeds certain minimums, and in civil cases as to final judgments, certain orders of the Court of Chancery, the Superior Court, and the Family Court and court designated boards. Issuer of certain writs.

EQUITY COURT

COURT OF CHANCERY

Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, and commercial/contractual matters).

LAW COURT

SUPERIOR COURT

Original statewide jurisdiction over criminal and civil cases (except equity cases). Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors). Involuntary commitments to Delaware Psychiatric Center. Intermediate appellate court from the Court of Common Pleas, Family Court (adult criminal) and administrative boards.

COURTS OF LIMITED JURISDICTION

FAMILY COURT

Extensive jurisdiction over all domestic relations matters, including divorce, custody, guardianships, adoptions, visitation, child and spousal support, and property division. Jurisdiction over intrafamily misdemeanors, misdemeanor crimes against children, and civil domestic violence protective orders. Jurisdiction over all juvenile offenses except certain serious offenses.

COURT OF COMMON PLEAS

Statewide jurisdiction in civil actions that do not exceed \$50,000. All criminal misdemeanors (except certain drug-related offenses). All motor vehicle offenses (except felonies). Responsible for preliminary hearings. Appeals from the Justice of the Peace Courts, Alderman's Courts, and the Division of Motor Vehicles.

JUSTICE OF THE PEACE COURT

Civil cases that do not exceed \$15,000. Certain misdemeanors and most motor vehicle cases (except felonies). May act as committing magistrate for all crimes. Landlord/tenant disputes.

ALDERMAN'S COURTS*

Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by the General Assembly).

*Alderman's Courts are not part of the Delaware court system. They are independent entities within their respective municipalities. However, cases may be transferred or appealed to a State court.



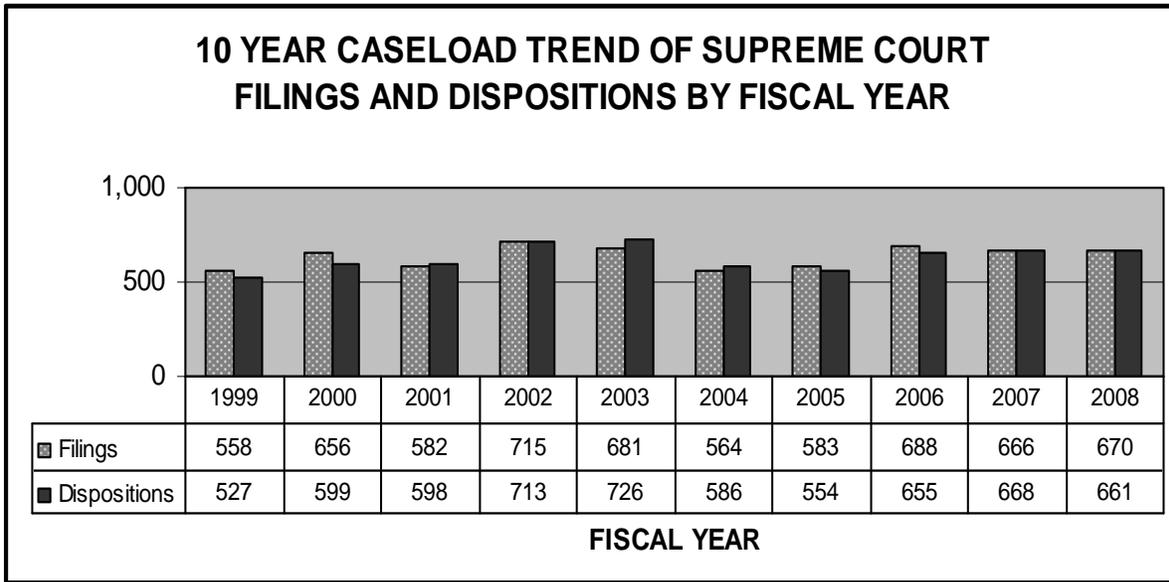
In Fiscal Year 2008, the Delaware Supreme Court received 670 appeals and disposed of 661 appeals by opinion, order or dismissal. On average, the appeals were decided within 39.4 days from the date of submission to the date of final decision. In 93.7% of the appeals decided in FY 2008, the Court met the standard of the Delaware Judiciary for deciding cases within 90 days of the date of submission for decision. Based on the American Bar Association's Standards Relating to Appellate Courts, the Court set a performance measure for the disposition of 75% of all cases within 290 days of the date of the filing of the notice of appeal. The Court exceeded this objective by disposing of 82.75% of all cases within the 290 days timeframe. The Court set another performance measure for the disposition of 95% of all cases within one year of the date of the filing of the notice of appeal. The Court disposed of 91.4% within this one year timeframe.

In FY 2007, the Delaware General Assembly enacted a Judiciary sponsored Delaware Constitutional Amendment authorizing the Delaware Supreme Court to accept certified questions of Delaware law from the Securities and Exchange Commission. On June 30, 2008, the Securities and Exchange Commission filed a Certification of Questions of Law pursuant to Supreme Court Rule 41(a)(ii) in a case captioned *CA, Inc. v. AFSCME Employees Pension Plan*. The Court accepted the certification on July 1, 2008, briefing was completed on July 7, 2008, oral argument was held on July 9, 2008 and the Court's Opinion was issued on July 17, 2008. The constitutional amendment and the Court's expedited procedures permitted the Securities and Exchange Commission to bring critical and urgent questions concerning Delaware law to the Delaware Supreme Court for resolution.

During FY 2008, the Court issued significant Administrative Directives pursuant to Del. Const. Art. IV, §13(1). Under Administrative Directive No. 163, the Court adopted the Rules of the Court Interpreter Program. As stated in the Directive, competent and ethical court interpreters are critical to ensuring a

defendant's right to be present at trial for those who do not speak English or who are deaf or hearing impaired. Administrative Directives 165 and 166 recognized that the State of Delaware was confronted with a downturn in projected revenues for FY 2008 and FY 2009. As a co-equal branch of government, partnered with the Executive Branch in helping to address the State's financial shortfall, the Court directed a hiring freeze with some exclusions and required each court to review their FY 2009 budget request to determine which items could be eliminated as not required to address a critical need in FY 2009. Administrative Directive No. 167 promulgated a Policy on Public Access to Supreme Court Administrative Records consistent with the requirements of Administrative Directive No. 162 (revised). The policy clarified and formalized the Court's approach to public access to the administrative records of the Supreme Court. Administrative Directive No. 168 created a Delaware Courts: Fairness for All Task Force to study perceptions of fairness and the needs of self-represented civil litigants in the Delaware courts, with its focus on those trial courts with the highest proportion of self-represented litigants. The Task Force will also oversee implementation of efforts by the court system to address identified concerns and needs. The Honorable Alan G. Davis, Chief Magistrate of the Justice of the Peace Court, and Patricia W. Griffin, State Court Administrator, are the Co-Chairs of the Task Force.

During the past fiscal year, 3,588 Delaware lawyers filed Annual Registration Statements with the Court pursuant to Supreme Court Rule 69. The Court continues to grant Delaware Certificates of Limited Practice to in-house counsel pursuant to Rule 55.1 and Delaware Certificates of Limited Practice as a Foreign Legal Consultant pursuant to Rule 55.2.



LEGAL AUTHORIZATION

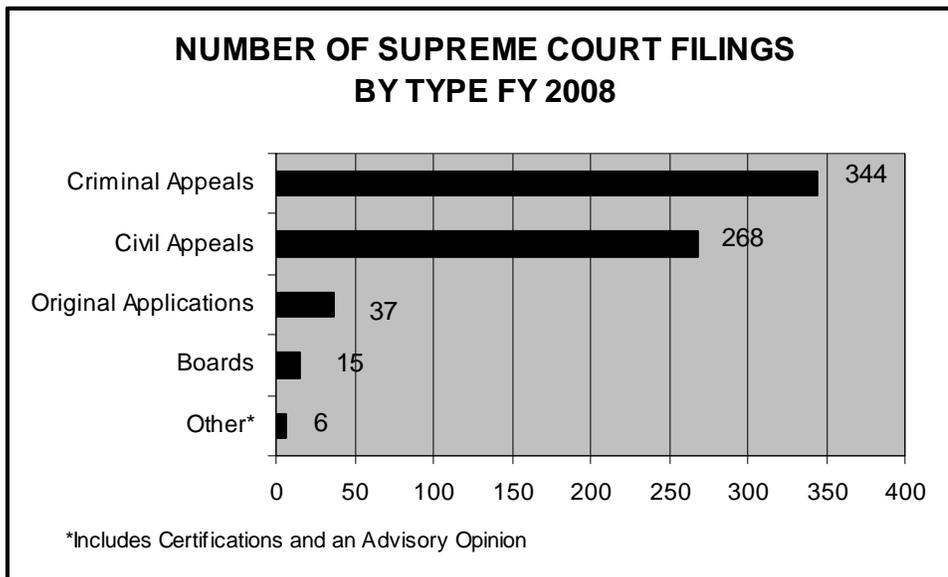
The Supreme Court is created by the Constitution of Delaware, Article IV, Section 1. The Supreme Court sits in Dover but the justices maintain their chambers in the counties where they reside.

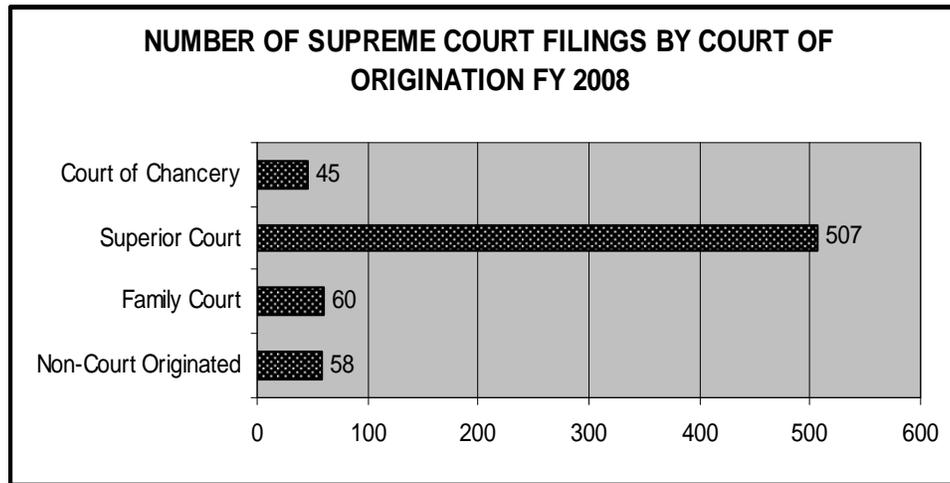
Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of a separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts.

COURT HISTORY

The modern Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three justices and was enlarged to the current five justices in 1978.

These judges would hear the appeal *en Banc* (collectively) and would exercise final jurisdiction in all matters in both law and equity.





JURISDICTION

The Supreme Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums and in civil cases as to final judgments and for certain other orders of the Court of Chancery, the Superior Court, and the Family Court. Appeals are heard on the record. Under some circumstances, the Supreme Court has jurisdiction to issue writs of prohibition, *quo warranto*, *certiorari*, and *mandamus*.

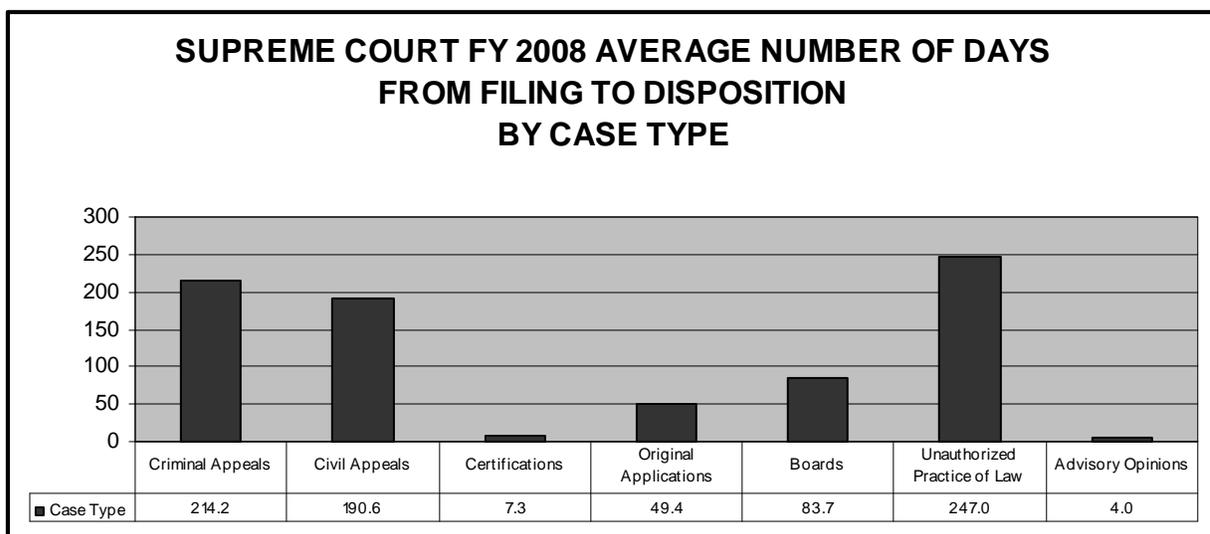
JUSTICES

The Supreme Court consists of a chief justice and four justices who are nominated by the Governor and confirmed by the Senate. The justices are appointed for

12-year terms and must be learned in the law and citizens of the State. The Supreme Court may have no more than a majority of one justice from any political party.

ADMINISTRATION

The Chief Justice is responsible for the administration of all courts in the State and appoints the State Court Administrator to manage the non-judicial aspects of court administration. The Supreme Court is staffed by a court administrator, clerk of the court, staff attorneys, an assistant clerk, law clerks, legal assistants, an administrative secretary, and court clerks.





Supreme Court Justices:

Front Row (sitting left to right)

Justice Randy J. Holland
Chief Justice Myron T. Steele
Justice Carolyn Berger

Back Row (standing left to right)

Justice Henry duPont Ridgely
Justice Jack B. Jacobs



CHANCELLOR WILLIAM B. CHANDLER, III

Since 1792 the Court of Chancery has been an indispensable component of Delaware's legal culture. The Court's preeminence in American business law has long been established. Two of the ingredients that have enabled the Court to achieve its stature within the national and international legal community are its expertise in its jurisdiction as evidenced in its extensive case law and its ability to deal with matters in a timely fashion. In FY 2008 the Court took steps to continue its tradition of excellence.

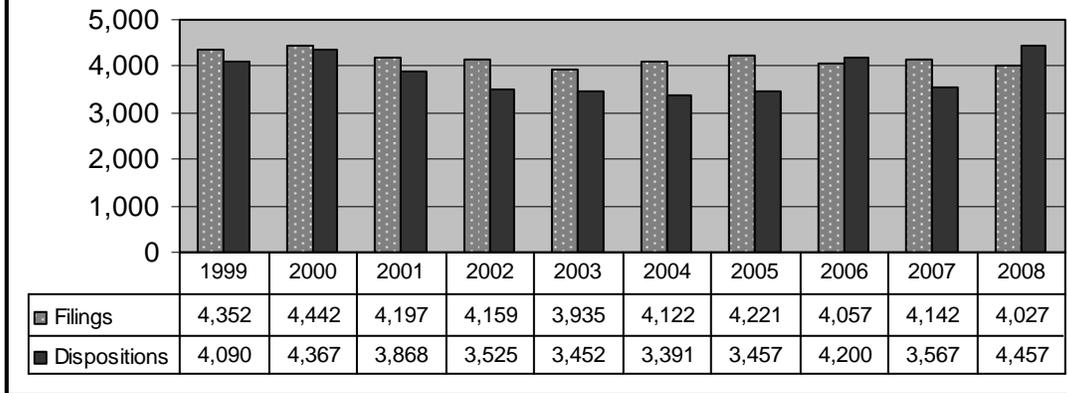
The e-filing effort first launched in 2003 continues to produce outcomes consistent with the project's original goals and objectives. To capitalize on that effort, the Court is working with the developers of COTS to secure the efficiencies realized to date and maximize the potential of e-filing throughout the entirety of the Court's caseload. With this expansion under COTS the Court is also focused on the development of a viable case management system which can provide measures of the Court's performance against established benchmarks.

Part of the plan to continue the Court's tradition of excellence is to take advantage of the opportunities presented with the legislation which established the statewide Register in Chancery Office. Thanks to e-filing and the resultant elimination of many paper intensive tasks, the Court has benefited from the reallocation of resources within the Register's Office.

Efficiencies continue to be sought in the area of Civil Miscellaneous filings. Two senior Finance students from the University of Delaware assisted the Court in analyzing the level of access to information that the Register's Office was providing to persons seeking guardianships. With the graying of the population, the number of persons seeking guardianships is expected to grow significantly. It is anticipated that there is a potential for this burgeoning population to need assistance in managing their personal and financial affairs. Having materials and procedures that are user friendly and that can guide citizens is important to providing the public with the access it deserves.

The Court has also been given another expedited caseload in the form of filings involving communities attempting to enforce deed restrictions and covenants. Once again the Court is being called upon to provide an expedited solution to a community problem. With the assistance of a new Master in FY 2007, the Court is able to deal more expeditiously with these particular cases and to continue to handle its traditional caseload in a fashion for which this Court is known.

COURT OF CHANCERY FILINGS AND DISPOSITIONS BY FISCAL YEAR



LEGAL AUTHORIZATION

The Constitution of Delaware, Article IV, Section 1, authorizes the Court of Chancery.

COURT HISTORY

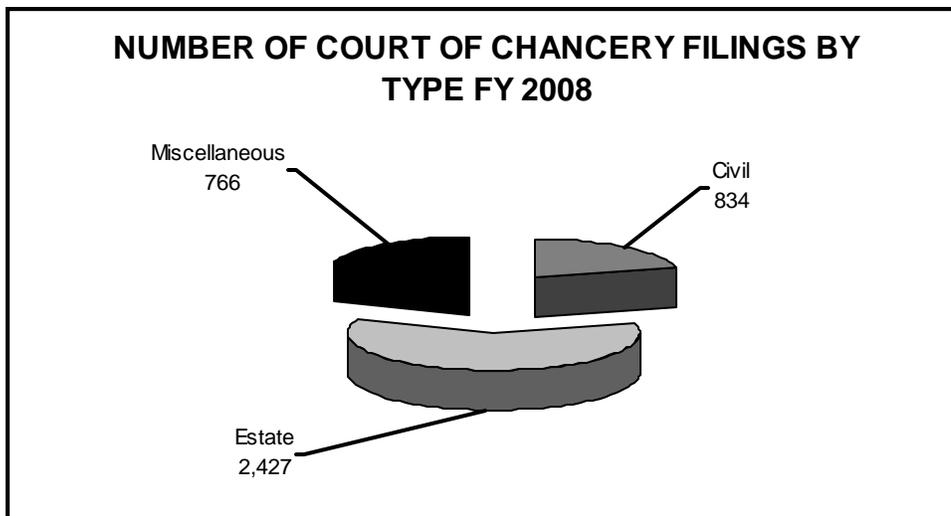
The Court of Chancery came into existence as a separate court under the Delaware Constitution of 1792. Its creation contradicted an historical trend in eighteenth century America away from chancery courts. The Court consisted solely of a chancellor until 1939 when the position of vice chancellor was added. The increase of the Court's workload, since then, has led to further expansions to its present complement of a chancellor and four vice chancellors, with the addition of the fourth vice chancellor occurring in 1989.

LEGAL JURISDICTION

The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the Court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction.

In today's practice, litigation in the Court of Chancery consists largely of corporate matters, trusts, estates, and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate, and commercial and contractual matters in general. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court (10 *Del.C.* § 369).

NUMBER OF COURT OF CHANCERY FILINGS BY TYPE FY 2008





Court of Chancery (standing left to right)

Vice Chancellor John W. Noble
Vice Chancellor Leo E. Strine, Jr.
Chancellor William B. Chandler, III
Vice Chancellor Stephen P. Lamb
Vice Chancellor Donald F. Parsons, Jr.



PRESIDENT JUDGE JAMES T. VAUGHN, JR.

In Superior Court this year, Judge Susan Del Pesco retired on May 30, after twenty years of service. She was the State's first female Superior Court judge. To fill this vacancy, John A. Parkins, Jr., was sworn in on August 21, 2008. Previously, on July 24, 2008, Lynne M. Parker was sworn in as a Commissioner. Commissioner Parker filled the vacancy created when Commissioner David A. White resigned to return to private practice.

Statewide for 2008, Superior Court filings totaled 23,292, a one percent increase over last year; dispositions totaled 23,450, a five percent increase. The number of non-first degree murder cases moving through the system within allotted time frames remained consistent. At the end of June this year, forty-six first degree murder cases were pending in Superior Court. Additionally, the Court disposed of 9,390 Violation of Probation cases.

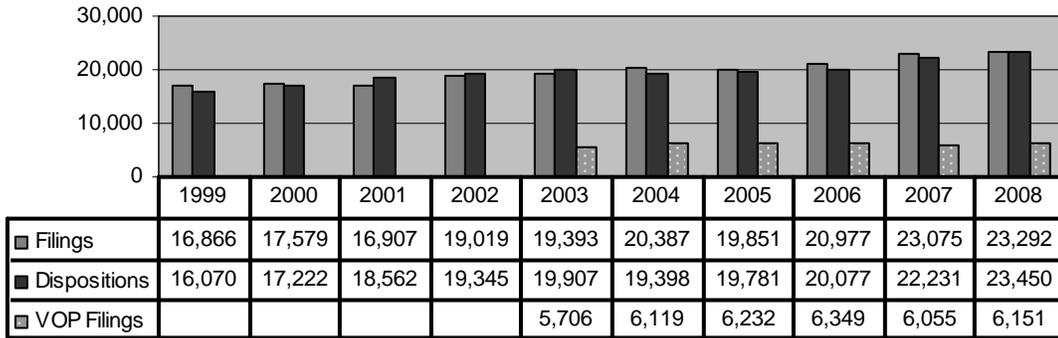
Effective March 1, 2008, Superior Court adopted sweeping changes to its mandatory Alternative Dispute Resolution (ADR) program. Civil Rule 16.1 was repealed. Civil Rule 16 was amended to require mandatory ADR in every civil case, unless expressly excluded by the rule or by the Court. The revised rule was implemented as a timesaver by the Court. Our core mission to those who file complaints is to give parties a prompt day in court.

It is estimated that more than 1,000 additional cases per year will be added to the 4,000 cases that currently proceed through the Superior Court's alternative dispute program.

Judge Jan R. Jurden has been named Superior Court's representative to Delaware's Task Force for the Chief Justice's Criminal Justice/Mental Health Leadership Initiative by President Judge James T. Vaughn, Jr. The Council of State Governments (CSG) Justice Center selected Delaware as one of four states to participate in the national project. The Project's mission is to improve responses to people with mental illness who are involved in the justice system. For Superior Court, the Initiative will build upon our existing pilot Mental Health Court, which Judge Jurden initiated in early 2008 and continues to oversee.

Finally, for the seventh consecutive year, the Superior Court of Delaware has been recognized as the premier court of general jurisdiction in the country by the Harris Poll State Liability Systems Ranking Study. The three counties of the Court are true to its core values of unity, neutrality, integrity, timeliness, equality and dedication, and they are U.N.I.T.E.D. in their mission "to serve the public, in pursuit of justice."

SUPERIOR COURT CIVIL & CRIMINAL FILINGS & DISPOSITIONS BY FISCAL YEAR



NOTE: The number of VOP filings are not available for 1999-2002.

LEGAL AUTHORIZATION

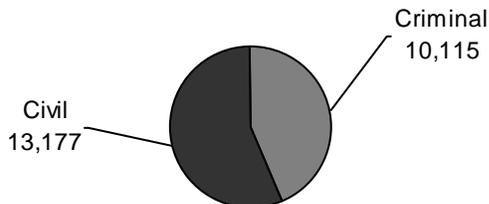
The Constitution of Delaware, Article IV, Section 1, authorizes the Superior Court.

COURT HISTORY

Superior Court's roots can be traced back more than 300 years to December 6, 1669 when John Binckson and two others were tried for treason for leading an insurrection against colonists loyal to England in favor of the King of Sweden.

The law courts, which represent today's Superior Court jurisdiction, go back as far as 1831 when they included Superior Court, which heard civil matters, the Court of General Sessions, which heard criminal matters, and the Court of Oyer and Terminer, which heard capital cases and consisted of all four law judges for the other two courts. In 1951, the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed president judge. There were five Superior Court judges in 1951; there are nineteen today.

NUMBER OF SUPERIOR COURT FILINGS BY TYPE FY 2008



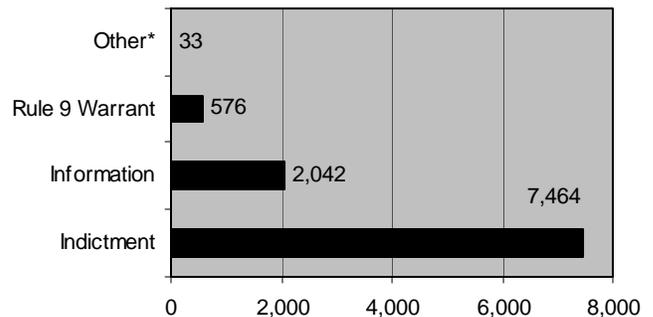
GEOGRAPHIC ORGANIZATION

Sessions of Superior Court are held in each of the three counties, at the county seat.

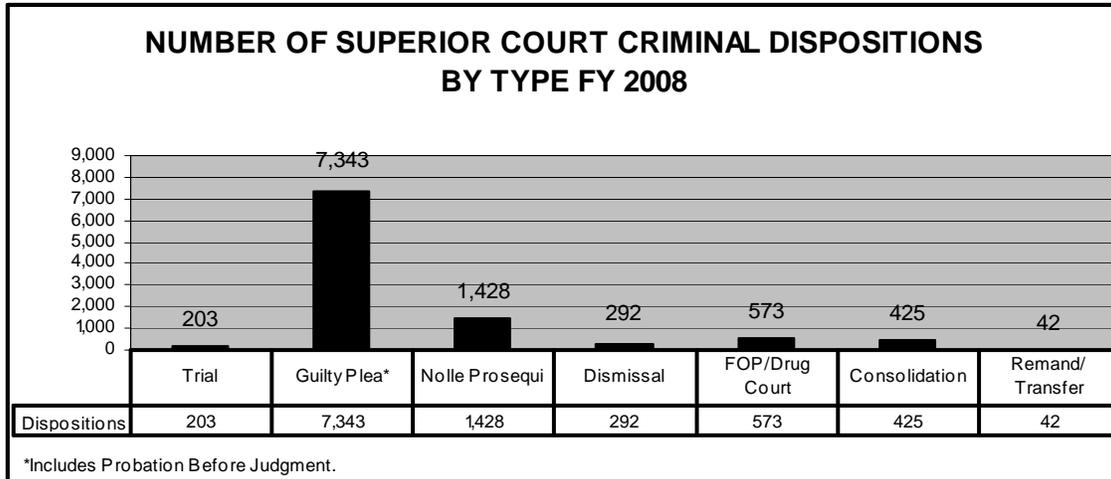
LEGAL JURISDICTION

Superior Court has statewide original jurisdiction over criminal and civil cases, except equity cases, over which the Court of Chancery has exclusive jurisdiction, and domestic relations matters, which jurisdiction is vested with the Family Court. The Court's authority to award damages is not subject to a monetary maximum. The Court hears cases of personal injury, libel and slander, and contract claims. The Court also tries cases involving medical malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics' liens, and condemnations. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and possession of marijuana and certain other drug-related possession cases). Super-

NUMBER OF SUPERIOR COURT CRIMINAL FILINGS BY TYPE FY 2008



* Includes appeals, transfers, reinstatements and severances.



rior Court has jurisdiction over involuntary commitments of the mentally ill to the Delaware Psychiatric Center. The Court serves as an intermediate appellate court, hearing appeals on the record from the Court of Common Pleas, Family Court (adult criminal), and more than fifty administrative agencies including the Industrial Accident, Zoning and Adjustment Boards, and other quasi-judicial bodies. Appeals from Superior Court are argued on the record before the Supreme Court.

SUPPORT PERSONNEL

Superior Court employs court reporters, law clerks, bailiffs, investigative services officers, a secretary for each judge, a court administrator and other support personnel.

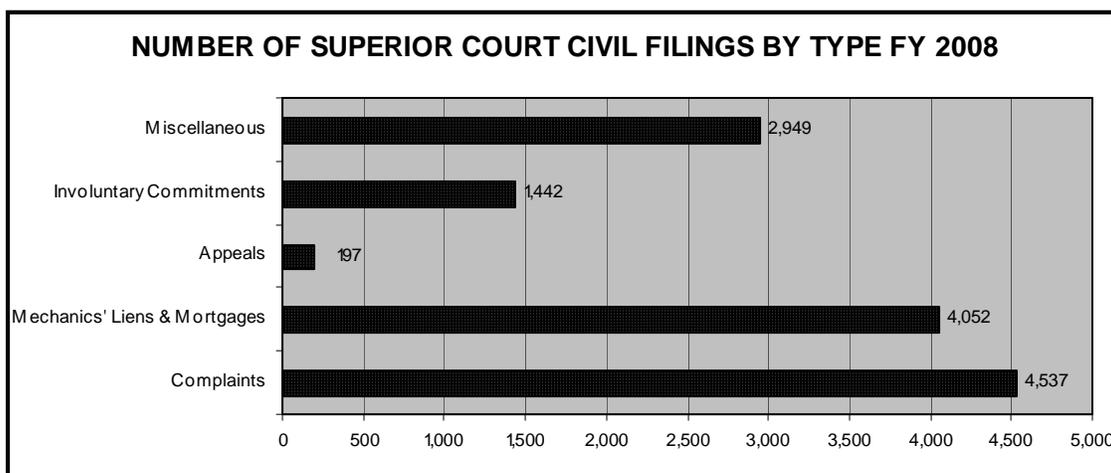
A prothonotary for each county serves as clerk of the Superior Court for that county. The prothonotary is directly involved with the daily operations of the Court. The prothonotary handles jury lists and property liens and is the custodian of costs and fees for the Court. That office also issues permits to carry deadly weapons, receives bail, deals with the release of incarcerated prisoners, issues certificates of notary

public where applicable, issues certificates of election to elected officials, issues commitments to the Delaware Psychiatric Center and collects and distributes restitution monies ordered by the Court in addition to numerous other duties. The prothonotary is also charged with security, care, and custody of the Court's exhibits. Sheriffs for each county also serve Superior Court.

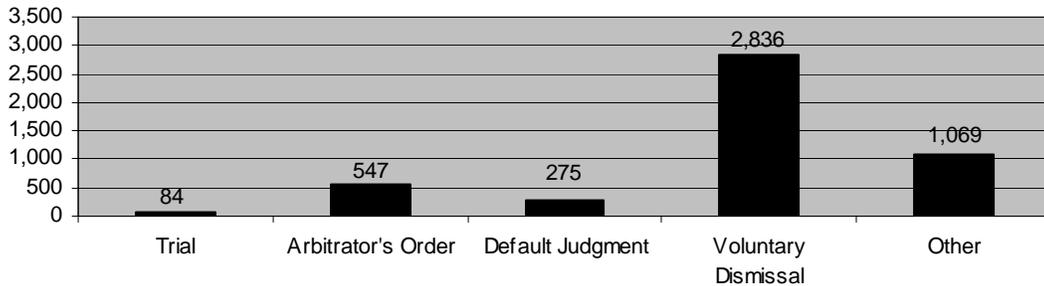
JUDGES

Superior Court judges are nominated by the Governor and confirmed by the Senate. The judges are appointed for twelve-year terms and must be learned in the law. There may be nineteen judges appointed to the Superior Court bench, one of whom is appointed president judge.

Three judges are appointed as resident judges and must reside in the county in which they are appointed. No more than a bare majority of the judges may be of one political party; the rest must be of the other major political party.



NUMBER OF SUPERIOR COURT CIVIL COMPLAINTS BY METHOD OF DISPOSITION FY 2008



Front Row (sitting left to right)

Judge Jerome O. Herlihy
 Judge John E. Babiarz, Jr.
 President Judge James T. Vaughn, Jr.
 Judge Susan C. Del Pesco (*Retired June 1, 2008*)
 Judge T. Henley Graves (SC Resident Judge)

Second Row (standing left to right)

Judge Richard F. Stokes
 Judge William C. Carpenter, Jr.
 Judge Richard R. Cooch (NCC Resident Judge)
 Judge Charles H. Toliver, IV
 Judge Fred S. Silverman
 Judge William L. Witham, Jr. (KC Resident Judge)
 Judge E. Scott Bradley

Back Row (standing left to right)

Judge Robert B. Young
 Judge Calvin L. Scott, Jr.
 Judge Joseph R. Slights, III
 Judge Peggy L. Ableman
 Judge Jan R. Jurden
 Judge Mary M. Johnston
 Judge M. Jane Brady

Not Pictured:

Judge John A. Parkins, Jr. (*Sworn in July 21, 2008*)



CHIEF JUDGE CHANDLEE JOHNSON KUHN

We are pleased to present the annual report of the Family Court of the State of Delaware. Family Court remains firmly committed to its mission and strategic plan.

In accordance with its statutory mission, set forth in 10 Del.C. § 902(a),

"The court shall endeavor to provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interest of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another."

STRATEGIC PLANNING

Family Court's Strategic Plan reads as follows:

WE, THE JUDGES OF THE FAMILY COURT OF THE STATE OF DELAWARE, this 12th day of August, 2004, in furtherance of the Family Court's legislative mandate to best serve the interests of the citizens, families, and children of the State of Delaware, and all other individuals who appear before us, do hereby set forth the Court's guiding ideals, goals, and strategies.

Guiding Ideals

The Family Court of the State of Delaware – its judicial officers and staff – is committed to securing meaningful access to justice for those who come before the Family Court; to striving for safety, permanency, and rehabilitation of our children; to protecting the peace and safety of the public; to resolving disputes impartially and fairly; to demanding respect, intellectual honesty, integrity, and accountability from ourselves as well as from those we serve; to respond-

ing to the social changes and innovative ideas of the future; to giving due deference to legal precedents of the past; and, ultimately, to enhancing the quality of life of the citizens, children and families of the State of Delaware.

Goals

- Safety and security
- Timely and expeditious hearings and case processing
- Institutional competence (fully trained and engaged judicial officers and staff)
- Conflict resolution in the least adversarial manner
- Comity in governmental relations
- Balanced court work-load

Broad Strategies

- Effective judicial governance
- Continuous learning (training and education)
- Innovation
- Alternate dispute resolution (ADR)
- Good working relationships with other branches of government and justice system partners
- Community outreach

COURT IMPROVEMENT PROJECT (CIP)

The Court Improvement Program (CIP) is a multi-year, federally funded grant project designed to support state courts in efforts to improve their handling of cases involving children in foster care, termination of parental rights and adoption proceedings. Delaware has participated in this project since its inception in 1994 and continues to utilize this federal resource to embark on a dynamic new partnership with the child welfare system by focusing on the common goal of improving the safety, stability and well-being of children who have experienced abuse and neglect.

Initial CIP efforts resulted in today's best practice of having all stages of a dependency and neglect case heard by the same judge within a schedule of hearings and reviews that meet federal standards. More children and parents have representation, case plans are more meaningful, orders more consistently include detailed reasoning, and reunification or permanency is achieved more timely.

The Court is building on that foundation through a more active partnership with others in the child welfare system, primarily the Division of Family Services, but also with legal professionals, advocates and service providers. A number of judges serve as champions in particular subject areas, enabling the Court to participate more proactively than reactively with other stakeholders.

Highlights include:

- The Family Court successfully applied for additional CIP grant funding to address data and training needs.
- A data collection tool was designed, and data collection has been piloted, to help analyze barriers to timely case movement, among other things.
- Professional development and education opportunities sponsored by the CIP included:
 - August 2007 – multidisciplinary training on concurrent planning and permanency planning
 - September 2007 – funding support for Delaware Finding Words – multidisciplinary training on investigating child abuse
 - May 2008 – multidisciplinary two-day conference on child abuse prevention, investigation, prosecution, and treatment
 - June 2008 – multidisciplinary education on a national model when cases involve very young children; national training for Delaware CASA volunteers
 - July 2008 – a team of Family Court and DFS representatives attend national conference on data collection, exchange and technology in child welfare
 - August 2008 – national conference and training for attorneys contracted by Family Court to represent parents or CASA volunteers

September 2008 – national resource center training for judges on educational rights and needs of children in care

October 2008 – national resource center training for attorneys involved in child welfare cases on educational rights and needs of children in care

- The Family Court actively planned and participated with DSCYF in preparation for the Federal Child and Family Services Review. In 2008, the Family Court helped DSCYF craft its program improvement plan to further the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met. Members of the Court participate in ongoing workgroups focused on fulfilling the plan.
- Collaboration is advanced through quarterly meetings between the Court and DFS leadership.
- Additional collaboration is occurring at the county level through quarterly stakeholders meetings intended for partners to remedy local challenges and share beneficial information.
- The Family Court convened a multidisciplinary work group to conduct the state-wide, system-wide assessment of the interstate placement of children, required by the federal government.

The path forward includes:

 - Utilizing additional federal support to collect and analyze data in order to specifically identify areas for improvement, to design and offer a schedule of educational opportunities for judicial officers and others in order to achieve improvements, and to collaborate with partners on replicating best practices statewide.
 - Because of its sweeping systemic reforms, the Delaware Family Court was selected as a study site for the U. S. Department of Health and Human Services (HHS) to evaluate the impact of CIP. Pal Tech will conduct the court-focused evaluation in New Castle County under contract with HHS. The study began in the fall of 2006 and will take place over a five-year period. It will include observations and empirical information regarding the impact of court reforms, including their influence on the Division of Family Services and its ability to meet federal child welfare requirements.

JUVENILE JUSTICE

Mental Health Diversion Court

In 2006, the Family Court, in collaboration with the Office of the Public Defender and the Division of Child Mental Health received federal grant money through the Criminal Justice Council to pilot a Mental Health Diversion Court for juveniles with delinquency charges pending against them in the New Castle County Family Court. The program offers a treatment-based resolution of the delinquency charges of juvenile offenders with mental health disorders. The program began in January of 2007 and quickly acquired a full caseload. During the first year of the program, 85 juveniles were referred to the program. Of those, 52 were entered into the program and 16 have graduated.

In conjunction with the Mental Health Court program, the Family Court in New Castle County has created a dedicated juvenile competency calendar for conducting competency hearings and monitoring compliance with treatment recommendations for non-competent juveniles still facing open charges. One dedicated judge is assigned to hear and track all the competency hearings.

Delaware Girls Initiative

The Delaware Girls Initiative (DGI) began as a statewide volunteer initiative comprised of more than one hundred advocates. Under the guidance of the Honorable Chandlee Johnson Kuhn, Chief Judge of Family Court, DGI was developed as a result of the growing need for gender specific resources for at-risk girls. Its mission is to actively advocate for a 'continuum of services' that ensures gender specific resources and programs for all girls at-risk in Delaware.

Denise Bray, of Bray Associates, along with DGI Coordinator, Allison Cassidy and Program Assistant, Bebbin Cassell, developed and released the second annual workshop calendar that offers 53 workshops statewide, providing gender responsive training to professionals and individuals in Delaware.

SERVICES FOR SELF-REPRESENTED LITIGANTS

In its continued efforts to serve *pro se* litigants, the Family Court helped nearly 50,000 people by providing assistance through the Resource Centers statewide. Over 25,000 people in New Castle County utilized the services provided in the Self-Help Center and Intake Center. Kent County's Resource Center provided assistance to approximately 14,000 people, and Sussex County's Resource Center provided assistance to approximately 10,000 people. These numbers indicate that Delaware's citizens continue to benefit from the variety of services offered in the Resource Centers.

Over the past year, the Court developed and implemented instruction booklets and informational resources in the areas of child support, arbitration, arraignments, protection from abuse, Review of Commissioner's Orders and subpoenas. These materials are in addition to instructional booklets already available on divorce and annulment, custody, visitation, custody modification, guardianship, permanent guardianship, termination of parental rights and adoption. These books provide extensive information to *pro se* litigants regarding how to complete court forms (including sample forms), the court process and information to assist them in preparing for their particular court hearing. The booklets and resources are available to *pro se* litigants in all Family Court Resource Centers and are accessible on the Family Court webpage. The Family Court webpage continues to be upgraded in order to be more user-friendly for *pro se* litigants. The Court is currently developing additional instruction booklets in the areas of motions practice and court hearing procedure. Finally, the Court continues to be active in developing desk reference books and holding continuing legal education seminars for pro bono attorneys volunteering in the area of family law.

The Director of *Pro Se* Services continues to serve as the Court liaison to the Family Law Commission and provides a yearly presentation to that body regarding services available to *pro se* litigants.

Family Court *Pro Se* Programs has also begun a series of seminars offered for *pro se* litigants, which focus on the law applicable to Family Court matters and procedural processes. These seminars take place at various locations throughout the state and are free of charge.

The Court's *pro se* litigant program has enhanced the public's access to the Court, has enhanced litigants' participation in the Court process and has contributed to more efficient Court operations.

DOMESTIC VIOLENCE

In staying at the forefront of developments in the area of domestic violence, the Family Court has taken on a number of tasks to promote the forward momentum in this area.

In its continued efforts to provide protection and relief to victims of domestic violence, as well as ensure treatment and counseling for offenders, Family Court has created a specialized domestic violence court. The intention of this specialized court is twofold: to create greater continuity in Family Court cases involving domestic violence and to create a more standardized system of compliance for offenders.

In January 2008, Family Court began conducting Protection From Abuse review hearings. These hearings

are being scheduled before the Court when a Respondent has not complied with the conditions of an active Protection From Abuse order. These reviews do not require the Petitioner to file a contempt petition in order for a hearing to be scheduled. This process will help with Respondents being held accountable with the possibility of criminal complaints being filed.

Finally, in addition to conducting PFA review hearings, Family Court was able to secure federal grant money creating the position of a Domestic Violence Court Project Coordinator to promote the efforts of the specialized domestic violence court statewide. The Coordinator will monitor compliance, provide training to court staff as needed and attend various meetings of the Domestic Violence Coordinating Council on behalf of Family Court.

COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM

Family Court's CASA Program has continued to recruit and train volunteers to provide a tangible link among the court, child welfare and child mental health case-workers, service providers, parents, relatives and foster parents. The statewide program launched a recruitment campaign that involved advertisements on DART buses, an outdoor billboard on I-95, advertisements in Delaware Today, Metro Kids, Cape Gazette, Dover Sun Times, and contact with civic groups and churches. The CASA Program participated in many community events such as the Hispanic Job Fair, Delaware Home Show, Martin Luther King Community Day, August Quarterlies and Delaware Paralegal Conference to name a few. Within each county the CASA Program was heard or seen through the various media outlets. In Kent County CASA was heard over the Delmarva Radio broadcast. In Sussex County there was a live Spanish broadcast over La Existosa Radio and free ice cream giveaway right in front of the Family Courthouse. As a result, the program has doubled the new volunteers from the previous year within eight months.

The CASA Program has updated their brochures, and website resulting in over 1000 visitors to the website each month. There has been an increase in volunteer referrals received from the national CASA volunteer referral program, Volunteer Match and direct calls to the program. Among the community initiatives, the national CASA selected Delaware CASA Program to host training for other CASA programs on the east coast on the new national CASA volunteer training curriculum. This training was held in March for Family Court CASA staff, volunteers and four other CASA programs from Pennsylvania and West Virginia. On May 19, 2008, the program received an opportunity to meet with the Honorable Glenda Hackett and Michael Piraino (CEO of NCASA) at the National CASA Forgotten Children Display in Washington, D.C. On June 9th and 10th over 25% represented the program for the

first time in the 27 years as delegates to the National CASA Conference. On June 10, 2008 the volunteers and staff met Senator Tom Carper during the CASA meet Congress opportunity in Washington, D.C.

Currently the program has over 250 volunteers serving over 560 children. We have increased the diversity of the volunteers to include males, full time workers and minorities. This was achieved by offering evening training and frequent training sessions throughout the year. In addition to the initial training, the program offers the volunteers over 60 hours of continuing education opportunities (12 hours are required annually).

The program has continued to provide representation for the children in foster care and those involved in custody and guardianship cases. Over 3000 hours are given on a monthly basis by our volunteers as they speak up for the children we serve.

The Family Court CASA Program is growing and making a difference for Delaware's children.

HUMAN RESOURCES DEVELOPMENT

The Family Court continues to focus on the professional development of its administrative support staff with the goal of enhancing overall organizational effectiveness and individual competencies. The emphasis is on providing our employees with the knowledge and skills needed to effectively provide information and assistance to litigants.

The guiding principles that the Court uses as its long range human resources strategy are embedded in its Strategic Plan that has been adopted and approved by all Family Court Judges.

The Court's current development program for its supervisors and managers centers on two one-day conferences that are held annually at a central location with full participation required.

In November 2007 all managers and supervisors attended a one-day conference entitled "Managing Effectively in a Collective Bargaining Workplace". The program was presented by representatives of Human Resource Management. Information on the new public sector collective bargaining legislation and the State of Delaware's new on-line recruiting program for Merit System positions was covered.

The second managers' conference was held in April, 2008 entitled "Keys to Effective Leadership: Coaching and Counseling." The presentation was made by a representative of the Training and Organizational Development Section of Human Resource Management. Both conferences served a key role in ensuring that the Court's management team is effectively developing staff and leading by example.

The next two upcoming managers' conferences will cover "Conflict Resolution and Quality Service in the Public Sector." Additionally, a career development strategy for all supervisors and managers has been created that meshes the managers' conferences into the courses that will lead to a State of Delaware Supervisory Development Certificate for all court supervisors.

On October 4 and 5, 2007, 261 court employees attended the annual Staff Development Conference in Dover. The conference was led off by an internationally recognized motivational speaker, Sid Hurlbert, on "What to Say and How to Say It", a dynamic customer service approach designed to strengthen staff's skills in this critically important area. Sessions were also held on Child Abuse Reporting in Delaware, Dealing with Difficult People, Hiring the Most Qualified Individuals for Your Office and specialized training for all mediation/arbitration officers and intake staff.

For the next fiscal year, the format of the Staff Development Conference will change to individualized county-based programs geared to meeting the training needs of the Court in each county.

In addition to the Family Court Staff Development Conference, employees in administrative support positions attended various educational programs offered by the Administrative Office of the Courts, the Office of Human Resource Management and other training resources. The Judges, Commissioners, managers and supervisors are committed to the participation of their unit members in these programs.

Members of the Court's administrative team attended specialized training in judicial administration sponsored by the Middle Atlantic Association of Court Management.

Under the Court's Excellence in Performance program an annual ceremony was held in Sussex County. Kent County and New Castle County have moved their programs to December to accommodate a year-end celebration of achievements by employees. Awards for a broad range of individual and group accomplishments, including Employees of the Year, Manager of the Year and Director's Awards are presented at the ceremonies.

SECURITY, SAFETY AND FUNCTIONALITY OF THE FAMILY COURT FACILITIES STATEWIDE

In August of 2008, the Sussex County Security Enhancement project was completed. Improvements in the entrance security profile were accomplished and secure payment, information and records retrieval windows were installed. The Self Help Center is more secure as a result of the renovations and a larger waiting area was also accomplished. In addition, victim ser-

vices offices were made more accessible to those in need of domestic violence counseling.

ELECTRONIC COURT REPORTERS

Since November of 2007, Electronic Court Reporters have played an integral role in improving Family Court's written and recorded record. Developments in New Castle County include an improved archiving and record retention procedure, structured annotation practices, advancements in audio quality throughout all 18 courtrooms through additional equipment, as well as increased accountability for our record. Each of these elements has brought Family Court closer to the quality and consistency that the record deserves.

Additionally, since January, there have been more than one hundred requests for electronic copies of the audio record; the Electronic Court Reporting enhancements have increased the quality of the record for public review.

CALL CENTER PILOT

The Family Court Customer Call Center pilot program began on January 24, 2007. The program's goal was to provide specially trained and courteous representatives to promptly answer a variety of Family Court related questions to callers.

The Customer Call Center operated Monday through Friday 8:30 a.m. to 4:30 p.m., and was staffed with one supervisor and four employees. Due to limited resources, the Customer Call Center ceased operations on April 25, 2008. During this time period, the Customer Call Center handled a total of 58,229 calls for service. Based on call volume data during the pilot phase, it is estimated that with the addition of six full-time employees, the Customer Call Center could handle volume in excess of 145,000 calls a year.

Although the Customer Call Center was a pilot program, it proved to be very successful and was recognized by internal and external customers. Unfortunately, due to budget constraints, the Customer Call Center was disbanded. Because of the success of the pilot program, however, the Court hopes to reinstate the Customer Call Center and expand the operations statewide in the future.

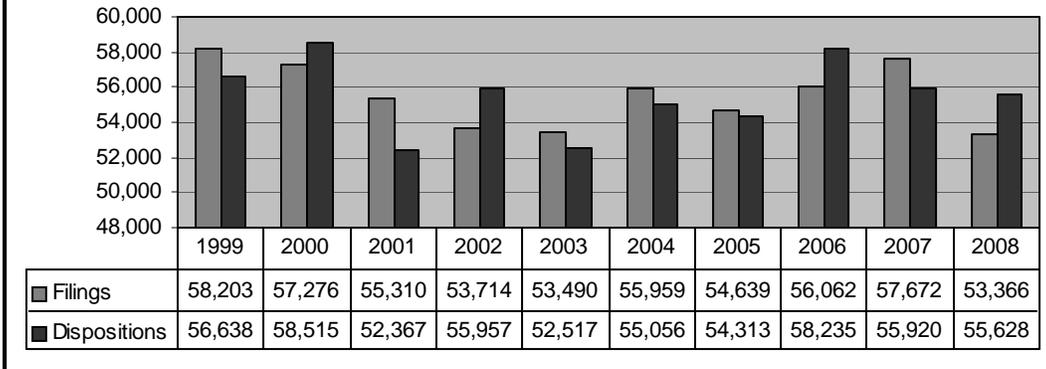
LEGAL AUTHORIZATION

The Constitution of Delaware, Article IV, Section 1, authorizes the Family Court.

COURT HISTORY

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington, which was founded in 1911. A little over a decade

FAMILY COURT CIVIL & CRIMINAL FILINGS AND DISPOSITIONS BY FISCAL YEAR



later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created. From the early 1930s, there was a campaign to establish a Family Court in the northernmost county, and this idea came to fruition in 1945 when the legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex Counties jurisdiction over all family matters, and in early 1962, the name of the Juvenile Court for Kent and Sussex Counties was changed to the Family Court for Kent and Sussex Counties.

As early as the 1950s, the concept of a statewide Family Court had been endorsed. The fruition of this concept was realized with the statutory authorization of the Family Court of the State of Delaware in 1971.

In 2005 Family Court was granted Constitutional Status by an act of the General Assembly.

Following the passing of retired Chief Judge Thompson on April 5, 2008, Governor Minner signed Senate Bill 289 which renamed the Sussex County Family Court Courthouse as the Chief Judge Robert D. Thompson Jr. Courthouse in honor of his years of dedicated service. On September 24, 2008, a dedication ceremony and unveiling of the new courthouse sign took place on The Circle with family, friends, dignitaries and Family Court employees in attendance. We thank the Delaware General Assembly for passage of the bill authorizing this important honor for former Chief Judge Thompson.

GEOGRAPHIC ORGANIZATION

The Family Court is a unified statewide court with branches in New Castle County in Wilmington, Kent

County in Dover and Sussex County in Georgetown.

LEGAL JURISDICTION

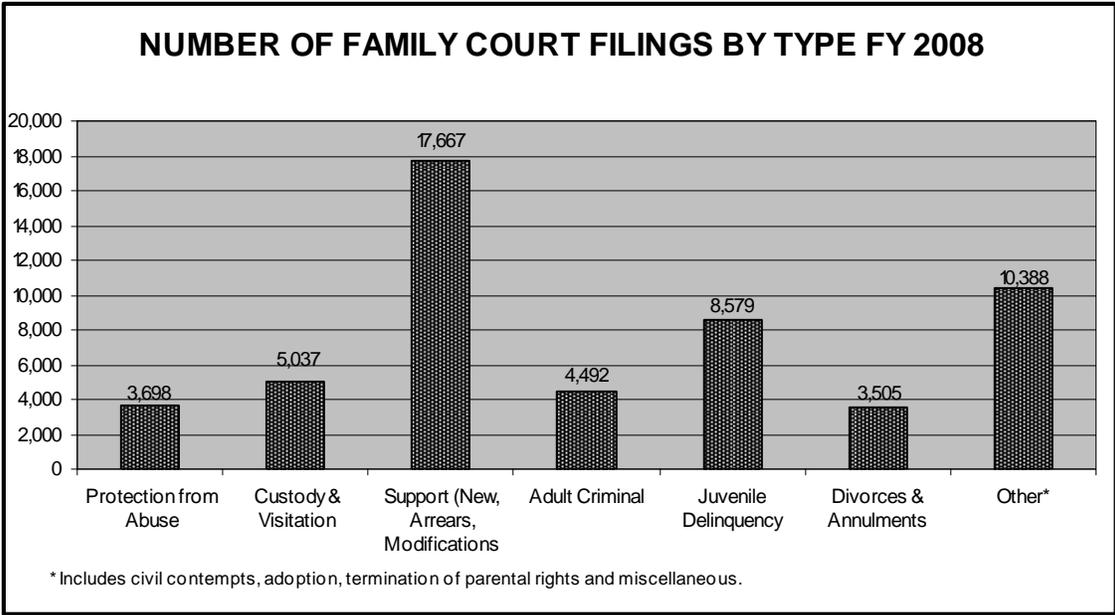
The Family Court has had conferred upon it by the General Assembly jurisdiction over statutorily enumerated juvenile delinquency matters, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spousal support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions, specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, orders of protection from abuse and intra-family misdemeanor crimes.

Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

JUDGES

Family Court has 17 judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the judges must be of one major political party with the remainder of the other major political party.

The Governor nominates the judges, who must be confirmed by the Senate. The judges are appointed for 12-year terms. Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least five years prior to appointment and must have a knowledge of the law and interest in and understanding of family and children's issues. They shall not practice law during their tenure and may be reappointed.



COMMISSIONERS

Family Court has 16 Commissioners of equal judicial authority. Commissioners are attorneys at law who are nominated by the Governor, confirmed by the Senate and serve an initial four-year term. Upon second and subsequent appointments and confirmation, Commissioners serve six-year terms.

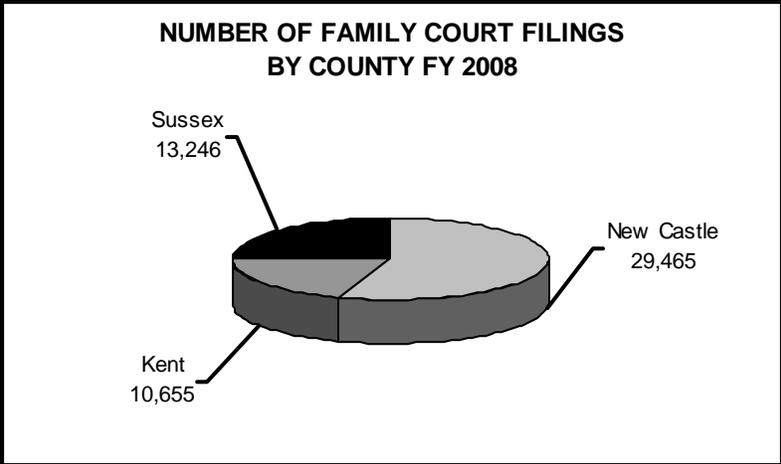
Commissioners hear a broad range of cases including child support, misdemeanor crimes and delinquency, civil protection petitions, bail hearings and other cases as assigned by the Chief Judge. Orders from Commissioners are subject to review by Family Court Judges.

During this fiscal year, Commissioner Martha Sackovich retired after 17 years with the Family Court. In June, Commissioner Bernard Pepukayi was confirmed

by the Senate for a four year term as her replacement, and was sworn in on July 23, 2008 to serve in New Castle County.

ADMINISTRATIVE SUPPORT PERSONNEL

The Family Court has an administrative support staff of 300 full-time positions in addition to the above-referenced Judges and Commissioners. The Court's administrative support staff includes positions such as the Court Administrator, directors of operations, supervisors, clerks of court, administrative specialists, accountants, judicial assistants, mediation/arbitration officers, intake officers, program coordinators and interns working in all areas of the Court.





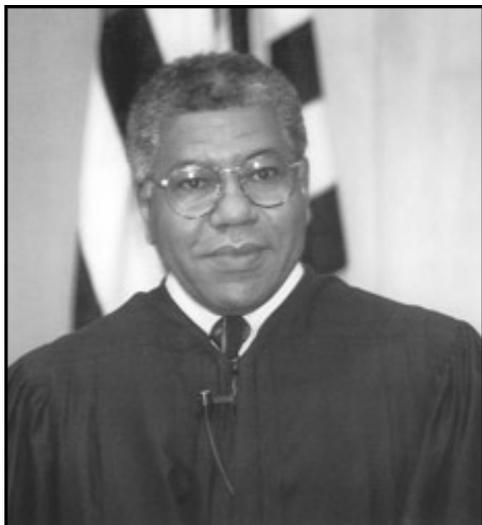
Front Row (sitting left to right)

Judge William J. Walls, Jr.
Judge Jay H. Conner
Chief Judge Chandlee Johnson Kuhn
Judge Kenneth M. Millman
Judge Mark D. Buckworth

Back Row (standing left to right)

Judge Arlene Minus Coppadge
Judge Peter B. Jones
Judge Barbara D. Crowell
Judge Michael K. Newell
Judge Robert B. Coonin
Judge William L. Chapman, Jr.
Judge Joelle P. Hitch
Judge Alan N. Cooper
Judge Aida Waserstein
Judge Mardi F. Pyott

Not pictured: Judge John E. Henriksen and Judge William M. Nicholas



CHIEF JUDGE ALEX J. SMALLS

In FY 2008, the Court of Common Pleas implemented the new Contexte civil case management system with a successful “go-live” in Sussex County on June 2. This implementation was the culmination of many months of preparation and hard work by COTS Team members and the staff in Sussex County.

COTS not only brought the Court a new case management system, it also introduced e-filing to the Court of Common Pleas for the first time. The Court adopted a new e-filing rule (Civil Rule 79.1) and issued an Administrative Directive to assist filers.

E-filing has been well received by the attorneys who are using it. Reports are that they find it very user friendly and convenient. The Court is looking forward to significantly increasing the number of e-filings over the coming months. The Court also expects to achieve other benefits from the new system from such things as not having to maintain paper files to having access to accurate reporting information.

Implementation of the new system in Kent and New Castle Counties, along with e-filing, is scheduled for November 4, 2008.

The fast-paced, high volume environment in the Court of Common Pleas intensified even more in FY 2008. Caseloads continued to rise in every category, hitting all-time highs in criminal and matching the Court’s highest civil filing years.

The number of criminal defendant filings in the Court of Common Pleas in FY 2008 was 105,607, a 6.3% increase over FY 2007. In FY 2007, the Court received approximately 1,137 new criminal misdemeanor cases every week; in FY 2008, that number rose by almost 100 cases to 1,233, a 8.4% increase in the number of new cases received weekly. Preliminary Hearing filings reached 10,720, a 3% increase over FY 2007.

Thanks in large part to an aggressive program by the Department of Justice of reviewing felony arrests prior to their scheduled hearings, the Court of Common Pleas is taking a greater number of pleas at Preliminary Hearing. This has a positive effect on the entire criminal justice system as it eliminates the need for these cases to be handled twice in the Court of Common Pleas and once in the Superior Court.

Civil filings rose to 12,045, representing a 5.5% increase over FY 2007 and a 22.0% increase over FY 2006. Civil cases of greater complexity continue to be filed in the Court resulting in more extensive motion practice and more trial time.

The rise in caseload continues to challenge the Court in many ways. Demands on judges and staff grow daily. In spite of adding calendars and applying aggressive case management techniques, the time to disposition continues to increase. In New Castle County, it currently takes 22 weeks to schedule a non-jury trial and 26 weeks to schedule a traffic case. The Court’s disposition rate has also dramatically declined. From FY 1995 to FY 2008, the Statewide disposition rate went from 98% to 93.7% while, during the same period, the disposition rate in New Castle County dropped from 99% to 89.2%. However, while this percentage has decreased, the real number of cases disposed of has increased. The rate of decrease is attributed to the large case increase.

Other changes this fiscal year include a change in the Court of Common Pleas procedures for Alternative Dispute Resolution as outlined in Civil Rule 16. Under the new procedures, parties work together to agree on a format for arbitration (binding arbitration, mediation, or neutral assessment) as well as an ADR practitioner.

The Court continued to operate its court-supervised comprehensive drug diversion program for non-violent offenders. This voluntary program includes regular

COURT OF COMMON PLEAS

appearances before a judge, participation in substance abuse education, drug testing and treatment. The Court has handled more than 4,100 participants since its inception in 1998. Almost 500 defendants entered the program in FY 2008.

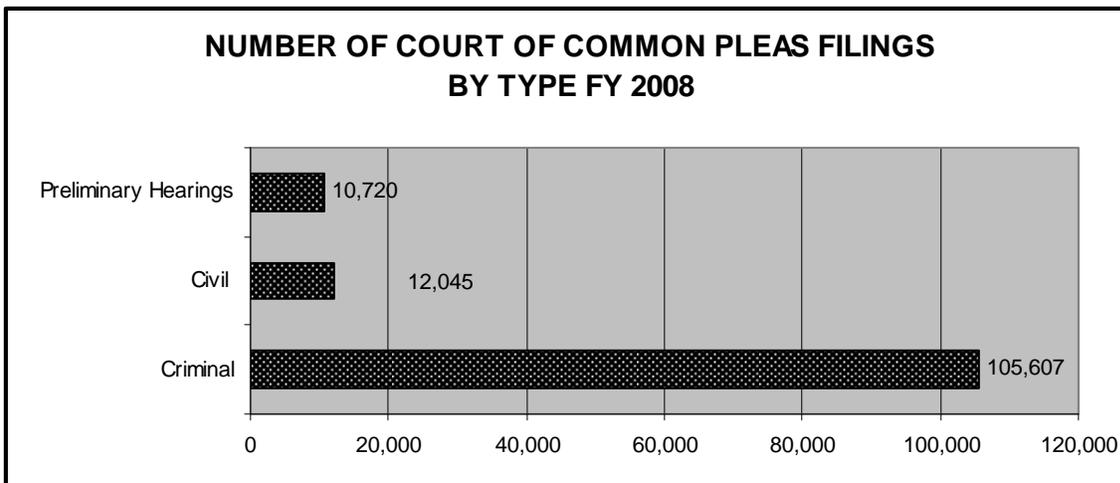
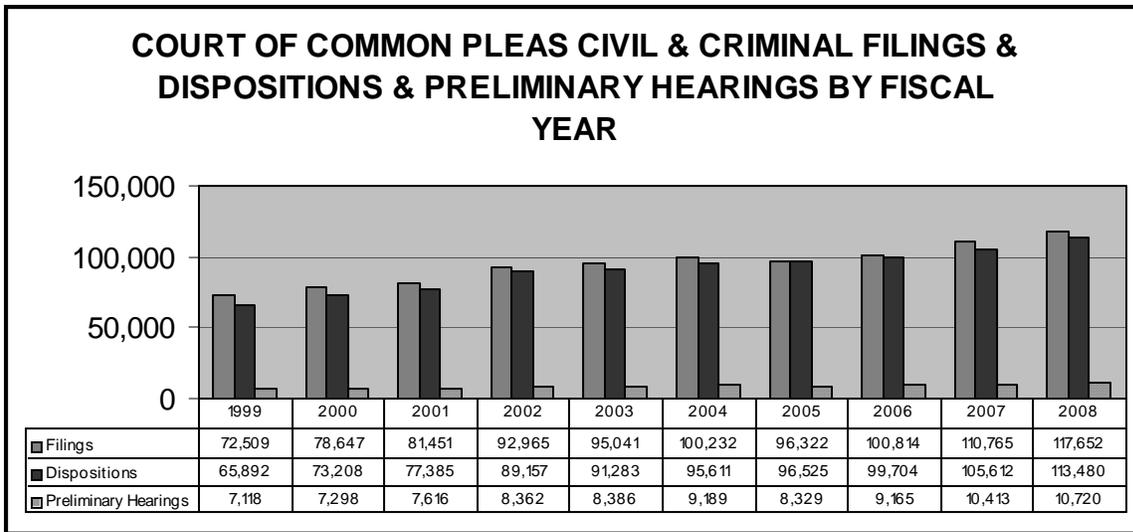
Since 2001, the Court has referred more than 3,900 cases for mediation, with a success rate of 87%. Mediation provides an alternative to criminal prosecution and leaves participants with an increased sense of satisfaction with the criminal justice system. In FY 2008, the Court referred 623 defendants for criminal mediation. Since 2005, the Court has also made mediation available to parties in civil cases. Twenty-two civil cases were successfully mediated in FY 2008.

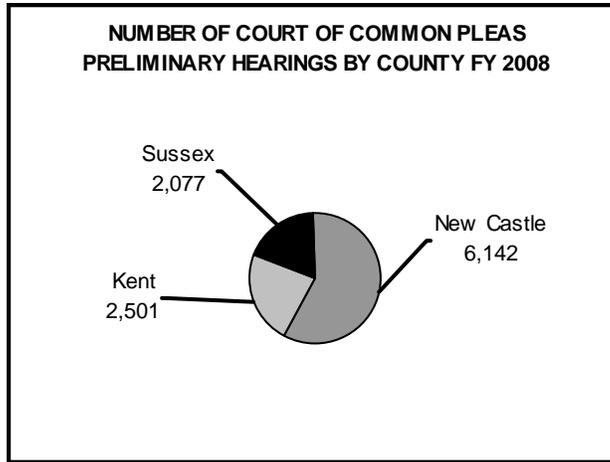
Established in 2003 as the first such court in the State, the Court of Common Pleas continues to operate its Mental Health Court in New Castle County. Modeled on the Drug Court concept, the goal of Mental Health Court is to effectively serve the special needs of the

mental health population through continuous judicial oversight and intensive case management.

Traffic Court, also established in 2003 in New Castle County, continues to serve the public well. Although the Court's high volume caseload currently results in a considerable wait to resolve a traffic case, persons charged are required to appear only once, resulting in greater convenience to the public in dealing with minor traffic offenses.

In spite of the challenges of managing a large and increasingly complex caseload, judges and staff remain committed to the mission of the Court of Common Pleas - to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient and practical manner. Each member of the Court is responsible to the people the Court serves to carry out that mission on a daily basis.





LEGAL AUTHORIZATION

Art. IV, Sec. 1 of the Delaware Constitution authorizes the Court of Common Pleas.

COURT HISTORY

Common Pleas Courts were established in Pennsylvania's three lower counties (now Delaware) during the colonial period. The Delaware Constitution of 1792 continued their existence in the State of Delaware for a few decades. These, however, were courts of general jurisdiction and, as such, the antecedents of the present Superior Court.

The modern day Court of Common Pleas was established in 1917 when a court of limited civil and criminal jurisdiction was established in New Castle County. A Court of Common Pleas was later established in Kent County in 1931 and Sussex County in 1953. In 1969, the three County Courts of Common Pleas became state courts and, in 1973, the three Courts merged into a single Statewide Court of Common Pleas.

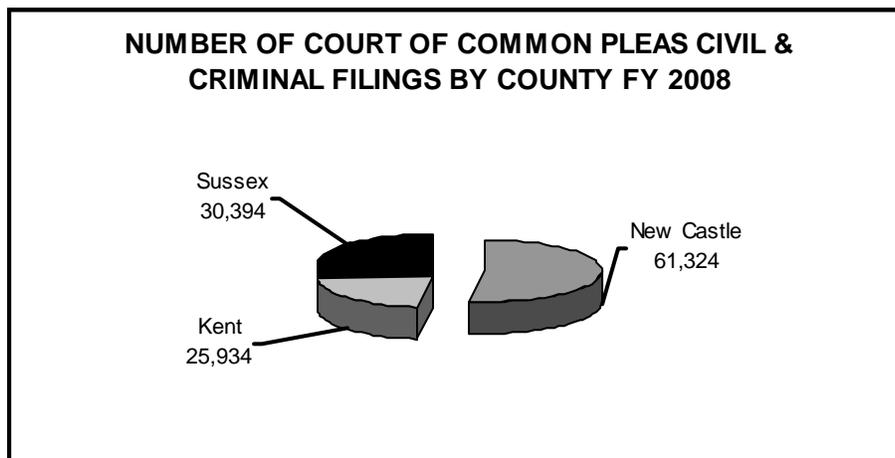
In 1994, The Commission on Delaware Courts 2000 recommended new jurisdiction for the Court of Common Pleas as vital to the Delaware Court system. Legislation implementing the Commission Report vested significant new areas of jurisdiction in the Court in 1995. On May 1, 1998, the Municipal Court was merged into the State court system, and pending cases were transferred to the Court of Common Pleas.

GEOGRAPHIC ORGANIZATION

The Court of Common Pleas sits in each of the three counties at the respective county seats.

LEGAL JURISDICTION

The Court of Common Pleas has statewide jurisdiction, which includes concurrent jurisdiction with Superior Court in civil matters where the amount in controversy, exclusive of interest, does not exceed \$50,000 on the complaint. There is no limitation in amount on counterclaims and cross-claims. It also has jurisdiction over change of name petitions and



COURT OF COMMON PLEAS

habitual offender motor vehicle hearings. All civil cases are tried without a jury.

The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except certain drug-related offenses. In addition, it has jurisdiction over traffic offenses (other than those that are felonies). It is also responsible for preliminary hearings. Jury trial is available to all criminal defendants.

The Court has jurisdiction over appeals from Justice of the Peace and Alderman's Courts in both civil and criminal cases. It also has jurisdiction over administrative appeals from the Department of Motor Vehicles and from the Dog Control Panel.

JUDGES

There are nine judges of the Court of Common Pleas, of which five serve in New Castle County, two in Kent County, and two in Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one judge may be from the same political party. The chief judge serves as the administrative head of the Court.

SUPPORT PERSONNEL

The staff of the Court of Common Pleas includes a court administrator and one clerk of the court for each county as well as bailiffs, court reporters, secretaries, clerks and investigative services officers.



Front Row (from left to right):

Judge Merrill C. Trader
Chief Judge Alex J. Smalls
Judge William C. Bradley, Jr.

Standing (from left to right):

Judge Joseph F. Flickinger, III
Judge Charles W. Welch, III
Judge Jay Paul James
Judge Rosemary B. Beauregard
Judge John K. Welch
Judge Kenneth S. Clark, Jr.



CHIEF MAGISTRATE ALAN G. DAVIS

This past fiscal year could best be characterized as the foundation of significant change for the Justice of the Peace Court. While we continued to process hundreds of thousands of cases efficiently and justly, we also undertook a number of endeavors and encountered circumstances that will shape this Court for years to come. The results of these efforts and situations will change our physical presence, improve our personal security and that of the public we serve, and force us to re-examine the fundamentals of how the Court is currently structured.

The FY08 budget afforded two opportunities to improve the physical condition of court facilities. In New Castle County the growing caseload of specialty court operations, particularly Truancy Court, led the Justice of the Peace Court to the realization that the facility housing those operations was not meeting the need presented. In addition, it was apparent that the consolidation of civil case processing in northern New Castle County could provide significant efficiencies for that part of our workload. With some additional resources, the Court was able to double its leased space at one of the two existing civil court sites and will be able to convert the space vacated by the other civil court operation into a dedicated specialty court location. Construction at the site of the civil location merger, Court 13, was well underway at the end of the fiscal year, with relocation of the second civil location to take place early in FY09. When completed, the new civil facility will feature five courtrooms, a

self-help center, and improved staff and judge workspace. It will also be responsible for the processing of in excess of 20,000 civil cases each year.

Court 3/17, our combination 24-hour criminal court location and primary civil case processing location in Sussex County, was the site of our other "bricks and mortar" transformation. In January ground was broken on an expansion project that will provide for an additional courtroom, improved judges chambers and clerical areas on both sides of the operation, and enhanced facilities for the public. The improvements will allow for a merger of the civil case processing operations in Sussex County as well.

The second area of significant achievement this past fiscal year was one that was relatively invisible, but which will soon have a profound and very visible effect on the operations of this Court. In October 2007, the Court began to collect court security assessments on each case processed, as authorized by Senate Substitute 1 for Senate Bill 75, passed in June of 2007. Under that new law, assessments collected by the Court may be used in future fiscal years to fund security improvements for the Court. In FY08, the Court collected just over \$1 million in court security assessments and the legislature approved an infusion of nine security related positions and numerous physical security items for our benefit. Over the course of the next few years, it is expected that more positions, equip-

JUSTICE OF THE PEACE COURT

ment, and training will be funded through this process. Things are truly looking up for a Court that, as recently as last year, was unable to provide security personnel for about 45% of shifts that the court locations were operating.

Finally, the economic climate of the larger world came to visit the insulated operations of this Court. Revenue projections dipped, causing state budget writers to call for budgetary reversions for FY08 and cutting of future baseline budget amounts. This is a trend that has continued past the end of the fiscal year. When an operation such as the Justice of the Peace Court performs a necessary and basic function of government and does so on an already relatively tight budget, it becomes necessary to examine the core processes of the way we go about our business. Since the economic climate does not appear any more rosy in the near future, the Court has begun re-examining its every function. As an entity that operates in over 17 locations across a small state, the most evident way to cut costs and still provide superior service is to continue the move towards consolidation of locations and resources.

No one knows what lies down this economic path; however, the Justice of the Peace Court is, as it always has been, committed to finding the most efficient and expeditious way to do its job. With the foundations of more appropriate and adequate facilities, a more secure public and staff, and the group mindset to meet any challenge, the Court is well positioned to expand on its successes.

LEGAL AUTHORIZATION

The Justice of the Peace Court is authorized by the Constitution of Delaware, Article IV, Section 1.

COURT HISTORY

As early as the 1600's, justices of the peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th centuries on behalf of the English Crown was a primary duty of the justices of the peace. With the adoption of the State Constitution of 1792, the justices of the peace were

stripped of their general administrative duties, leaving them with minor civil and criminal jurisdiction. During the period from 1792 through 1964, the justices of the peace were compensated entirely by the costs and fees assessed and collected for the performance of their legal duties. In 1966 the individual justices of the peace were absorbed into the state judicial system, and the first chief magistrate was installed in 1980 as the administrative head of the Court.

LEGAL JURISDICTION

The Justice of the Peace Court has jurisdiction over civil cases in which the amount in controversy is not greater than \$15,000 and over summary possession (landlord-tenant) actions. Justices of the peace are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals (other than in summary possession cases, which are appeals to a three judge panel in the Justice of the Peace Court) may be taken to the Court of Common Pleas. The subject matter jurisdiction of the Justice of the Peace Court is shared with the Court of Common Pleas, except that the Justice of the Peace Court has sole jurisdiction over summary possession actions. The Justice of the Peace Court also shares jurisdiction over replevin actions with the Superior Court, rather than the Court of Common Pleas.

GEOGRAPHIC ORGANIZATION

The jurisdiction of the Court is statewide and sessions are held throughout the State. Of the 18 courts currently operating, seven are in New Castle County, four are in Kent County, and seven are in Sussex County. The Voluntary Assessment Center, which handles mail-in fines, is located in Dover.

SUPPORT PERSONNEL

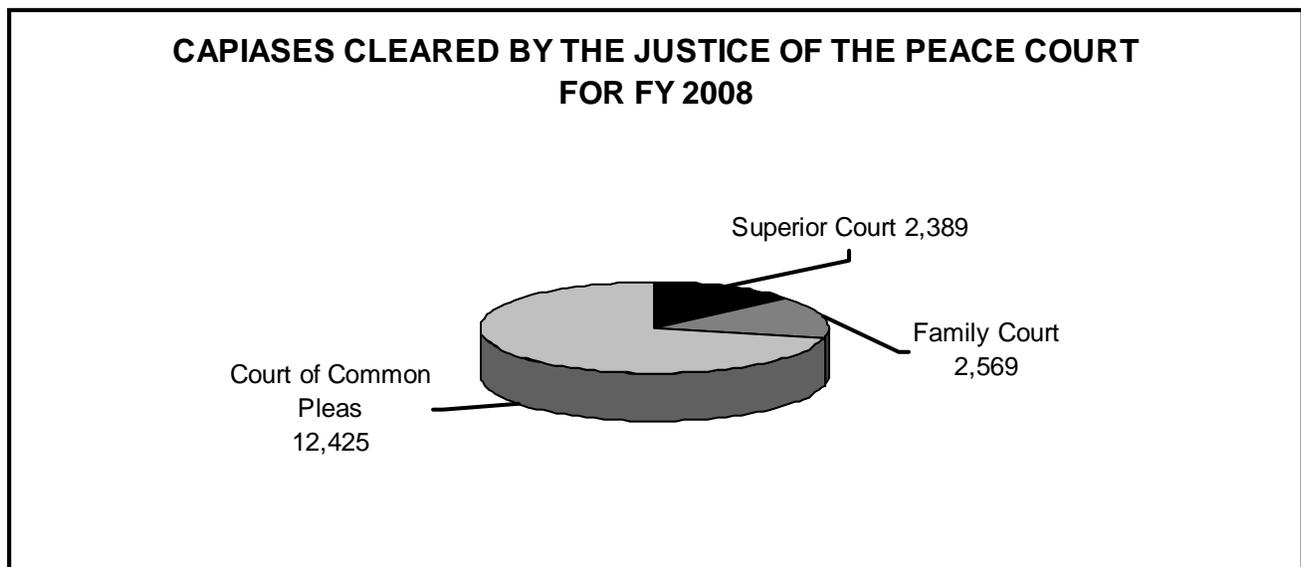
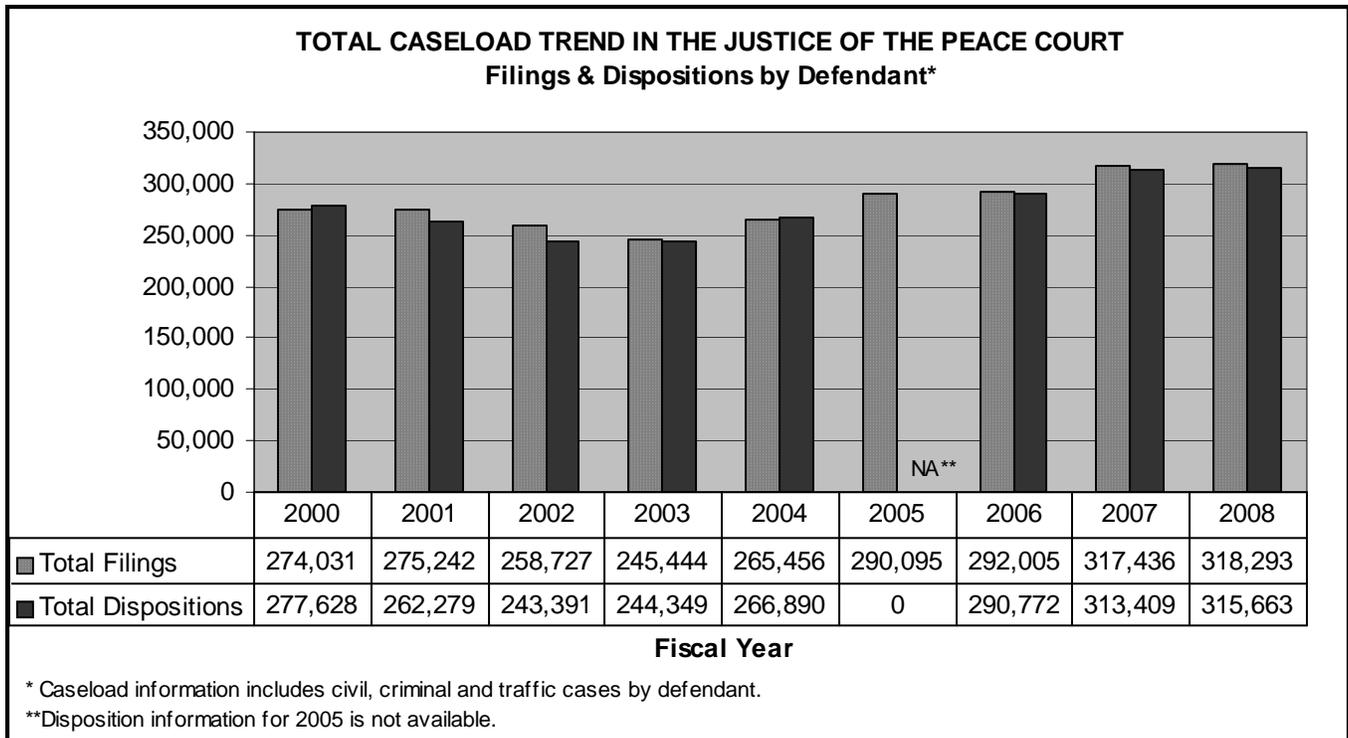
A court administrator, two operations managers, an administrative officer, and a fiscal administrative officer help the chief magistrate direct the Justice of the Peace Court on a daily basis. The Court also employs clerks, constables, and other support personnel.

JUSTICE OF THE PEACE COURT

JUSTICES OF THE PEACE

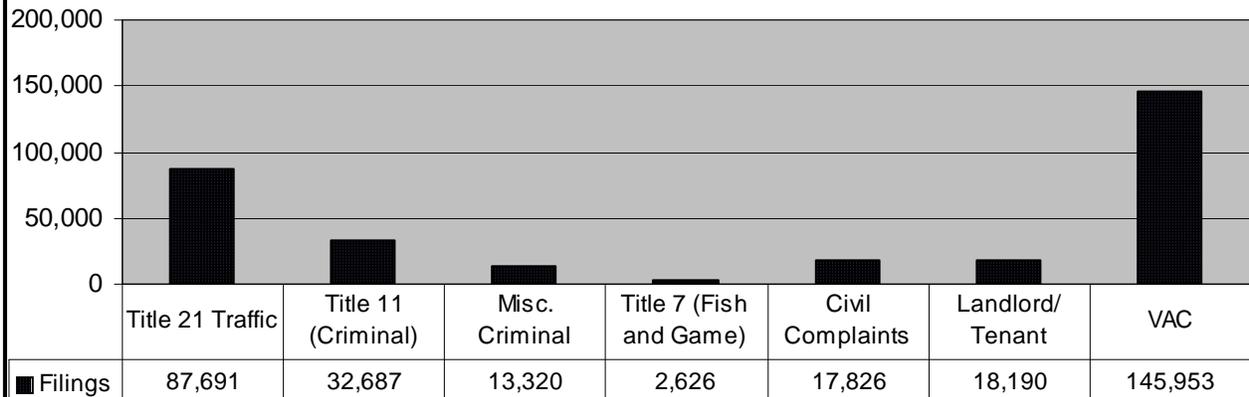
The Delaware Code authorizes a maximum of 60 justices of the peace. The maximum number of justices of the peace permitted in each county is 29 in New Castle County, 12 in Kent County and 19 in Sussex County. All justices of the peace are nominated by the Governor and confirmed by the Senate. A justice of the peace must be

at least 21 years of age and a resident of the State of Delaware and the county in which the justice of the peace serves. In addition to the 60 justices of the peace, the Governor nominates a chief magistrate, subject to Senate confirmation.

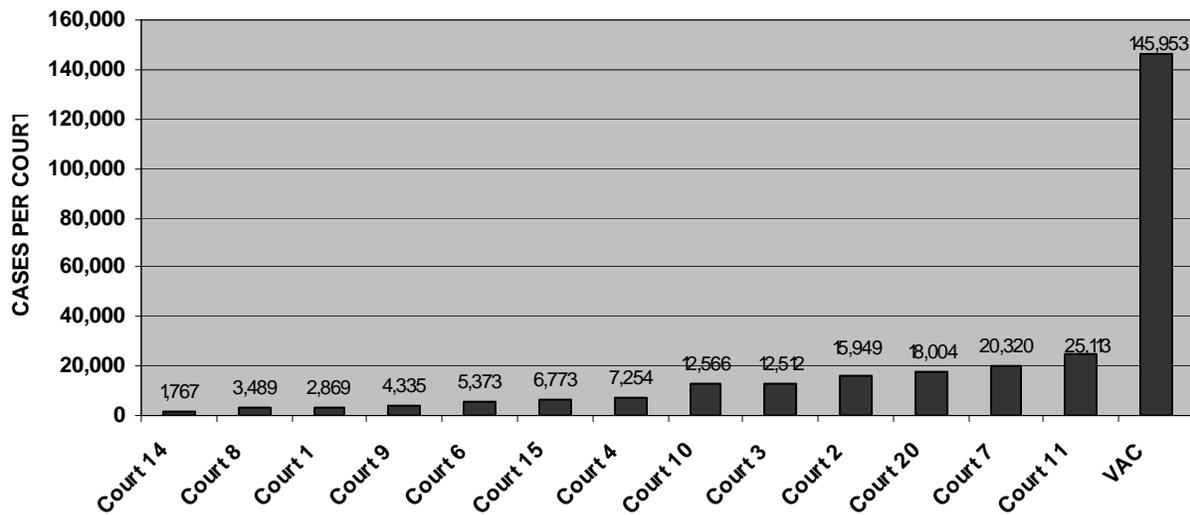


JUSTICE OF THE PEACE COURT

NUMBER OF JUSTICE OF THE PEACE COURT FILINGS BY TYPE FY 2008

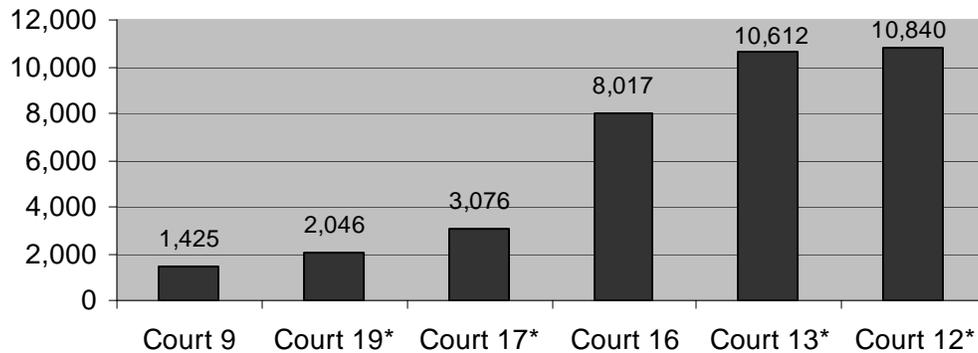


JUSTICE OF THE PEACE COURT TOTAL CRIMINAL AND TRAFFIC FILINGS BY COURT FY 2008*



*Criminal and traffic filings by defendant.

JUSTICE OF THE PEACE COURT TOTAL CASES FILED BY COURT FY 2008



*Statistics and number of locations reflect FY 08 operations. Subsequent to FY 08, Courts 12 and 13 have consolidated operations into the Court 13 site; Courts 17 and 19 have merged operations and are expected to move into the renovated Court 17 site.



Kent County Judges

Sitting: Christian J. Plack, Sr.; Cathleen M. Hutchison; Alan Davis; Ernst Arndt; Douglas P.K. Cox, Sr.

Standing: James A. Murray; William J. Sweet; Robert B. Wall, Jr.; Michael P. Sherlock; Agnes E. Pennella

Not Pictured: Debora Foor; Dwight Dillard; Pamela Darling

JUSTICE OF THE PEACE COURT



New Castle County Judges

Sitting:

Cheryl Stallmann; Kathy S. Gravell; Rosalind Toulson; Alan Davis; Bonita Lee; Kathleen Lucas; Deborah A. McNesby

Standing:

Laurence L. Fitchett; Sean McCormick; Stanley J. Petraschuk; William S. Young, III; James Tull; Marie Page; Thomas Brown; Susan Cline; David R. Skelley; Donald W. Callender; Robert Lopez; Sidney Clark; James Hanby, Sr.; William Moser

Not Pictured:

Thomas Kenney; Marilyn Letts; Nancy Roberts; Katharine Ross; Rosalie Rutkowski; Paul J. Smith; Terry Smith; Vernon Taylor

JUSTICE OF THE PEACE COURT



Sussex County Judges

Sitting: William J. Hopkins; Sheila G. Blakely; Alan Davis; Jana E. Mollohan; Jeni L. Coffelt

Standing: Richard D. Comly; John R. Hudson; H. William Mulvaney, III; James G. Horn; Herman Hagan; Edward G. Davis; John C. Martin; Stephanie Adams; Christopher A. Bradley; John D. McKenzie; William L. Boddy, III; Larry R. Sipple

Not Pictured: Marcealeate S. Ruffin; William P. Wood; William Pritchett



Supreme Court Justice Henry duPont Ridgely presenting finalist awards



Superior Court Judge Joseph R. Slights, III, Co-Host of the National High School Mock Trial Championship Steering Committee, speaking at the awards ceremony

NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

NEW CASTLE COUNTY COURTHOUSE

WILMINGTON, DELAWARE

May 7-11, 2008



Francis J. "Pete" Jones, Jr., Esq., Co-Host of the National High School Mock Trial Championship Steering Committee, presenting at the awards ceremony



Mock Trial participants visiting with mounted members of the security team which worked around the clock to provide security during the Championships

Pictures provided by Nicolas Del Pesco of Del Pesco Photography in Philadelphia, Pennsylvania



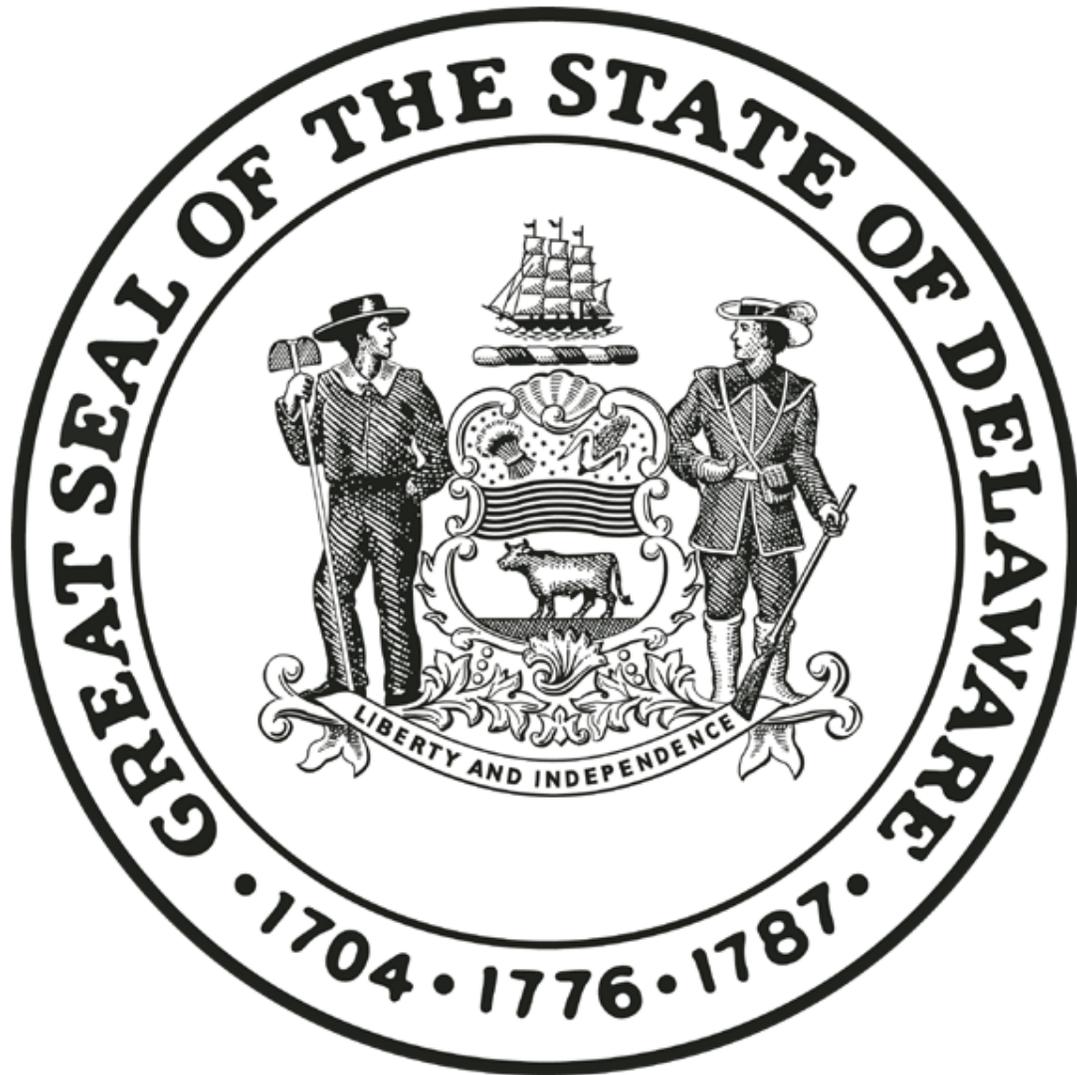
Mock Trial participants in front of the New Castle County Courthouse waiting for the announcement of the top two team finalists



Franny M. Haney, Co-Host of the National High School Mock Trial Championship Steering Committee, being presented with flowers and a gift



Governor Ruth Ann Minner addressing the participants and guests at the awards ceremony



Special thanks in preparing this Annual Report go to the chief judges and court administrators of each of the courts and to the Administrative Office of the Courts staff, including Connie Magee, for composing and arranging for the publication of this Report; Christine Sudell, Esq., for writing and content development; Marianne Lego and Barbara Mooney for their work on Report statistics; Amy Whitman for internet publication of this Report; and other JIC staff for technical support.

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